



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA August 24, 2016

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the July 27, 2016 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Elimination of CR Zoning District – Section, 14-03-06, 14-03-08, 14-04-01, 14-04-13 and 14-05-05.1 (DN)**
Zoning Ordinance Text Amendment | ZOTA2016-003 1

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

3. **Incidental Uses/Accessory Uses & RMH – Section 14-03-06 and 14-04-05 (Klee)**
Zoning Ordinance Text Amendment | ZOTA2016-005 3

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

REGULAR AGENDA

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

4. **High Meadows Twelfth Addition (Klee)**
Final Plat | FPLT2015-010 12

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny



5. **MDU Resources Northwest Addition (DN)**22
Final Plat | FPLT2016-005

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

6. **Woodland Third Subdivision (JW)**28
Final Plat | FPLT2016-006

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

7. **Silver Ranch First Addition (DN)**33

Gibbs Township

• **Future Land Use Plan Amendment | FLUP2016-001**

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

• **Zoning Change (A and RR to R5, R10, RM15, RT & CA) | ZC2016-006**

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

• **Final Plat | FPLT2016-003**

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

8. **Lot 8, Block 2, Golden Heights Subdivision (JW)**57
Special Use Permit (Accessory Building) | SUP2016-007

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

9. **NE¼ of NW¼, Section 33, Gibbs Township (JW)**61
Special Use Permit (Accessory Building) | SUP2016-003

Gibbs Township

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

10. **Other**

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for **September 28, 2016.**

Enclosures: Meeting Minutes of July 27, 2016
Building Permit Activity Month to Date Report for July 2016
Building Permit Activity Year to Date Report for July 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2
August 24, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-003

Project Summary

Title:	Elimination of CR – Commercial zoning district
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	14-03-01, 14-03-08, 15-05-05.1, 14-04-13
Request:	Remove the CR – Commercial zoning district from Title 14.

Staff Analysis

On July 26th, 2016 the Bismarck City Commission voted unanimously to amend the zoning map to transition all remaining parcels in the CR – Commercial zoning district to the CG – Commercial zoning district. This action was completed with the anticipation of the removal of the CR – Commercial zoning district, which is the action currently being proposed. The Planning Division did not receive any opposition to the initial rezoning.

The zoning ordinance text amendment also cleans up a few references to the CB –Commercial zoning district that was removed from Title 14 in 2006.

The reasoning for the removal of the CR – Commercial zoning district was included in the staff report for the rezoning action, and it is repeated here:

The CR – Commercial zoning district was established in 1974 with the following purposes:

- a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.
- b. To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the regional area served.

The zoning district was only applied to three areas: the Gateway Mall area; the Kmart area; and the Kirkwood Mall area. Over the years the CR – Commercial zoning district has shrunk somewhat, as certain portions were rezoned to CG – Commercial to allow different forms of development.

The CR Zoning District was created in an era when the City wished to accommodate and protect large-scale enclosed malls with lesser parking standards. Each CR District must be at least 40 acres in size, and the principal building must have at least 300,000 square feet of floor area. However, neither the Gateway Mall nor the Kmart Area CR districts currently meet the 40 acre standard, and the Kmart building is only a third the size of the minimum requirement. In addition, the parking standards have since been changed and are now the same in both the CR and CG districts.

An important difference between these two zoning districts is the uses allowed within each. The CR district is more restrictive than the CG – Commercial zoning district, as shown in the chart on the following page:

P = Permitted
 X = Not Permitted
 SUP = Permitted with Special Use Permit

	CG	CR
Multifamily Housing	P	X
Group dwelling	P	X
Multifamily high rise	P	X
Hotel-motel	P	X
Retail group A	P	P
Service group A	P	P
Office-bank group	P	P
Retail group B	P	X
Service group B	P	X
Commercial recreation group	P	P
Wholesale group	P	X
Health-medical group	P	P
Education group	P	X
Public recreation group	P	X
Railroad or bus passenger station	P	X
Commercial greenhouse	P	X
Commercial parking lot	P	X
Religious institution	P	P
Temporary Christmas tree sales	SUP	SUP
Temporary religious meetings	SUP	X
Temporary farm and garden produce sales	SUP	SUP
Seasonal nursery and bedding stock sales	SUP	SUP
Filling station	SUP	SUP
Drive-in retail or service establishment	SUP	SUP
Child care center	SUP	SUP
Small animal veterinary clinic	SUP	X
Golf driving range	SUP	X
Auto laundry - car wash	SUP	SUP
Retail liquor sales	SUP	SUP
Microbrewery	SUP	X
Off-premise advertising sign	SUP	X

Setbacks and height limits are also significantly stricter in the CR than the CG Commercial zoning district, and the CR district includes its own minimum parking standards which contradict the updated parking requirements contained in Section 14-03-10.

Staff proposes this change to provide more flexibility for possible redevelopment opportunities within the districts currently zoned CR – Commercial. While there is still a market for the conventional enclosed malls that were built in the 1960s and 1970s, many of these sites around the country are also being redeveloped in a variety of ways. Staff does not see any reason to constrain the creativity of property owners with a zoning district that mandates a conventional retail mall model.

Furthermore, the elimination of a zoning district that is not widely utilized helps simplify the zoning ordinance and map, which enhances the ordinances accessibility to the public and general usability.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the attached zoning ordinance text amendment removing the CR – Commercial zoning district from Title 14 and eliminating references to the CR and CB zoning districts throughout Title 14.

(continued)

Attachments

1. Draft zoning ordinance amendment
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-01 DISTRICTS: USES, 14-03-06 INCIDENTAL USES, SECTION 14-03-08 SPECIAL USES, AND SECTION 14-05-05.1 ACCUMULATION OF CERTAIN ITEMS PROHIBITED OF THE BISMARCK CODE OF ORDINANCES (REV.) AND REPEAL SECTION 14-04-13 CR - COMMERCIAL DISTRICT OF THE BISMARCK CODE OF ORDINANCES (REV.), ALL RELATING TO THE CR - COMMERCIAL AND CB - COMMERCIAL ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-01. Division of City Into Districts. For the purpose of these regulations, the city is hereby divided into twenty classes of districts, which are established as follows:

RR	Residential (rural single-family)
RR5	Residential (rural single-family - 5 acres)
R5	Residential (single-family)
RMH	Residential (manufactured home park)
R10	Residential (two-family)
RM	Residential (multifamily)
RT	Residential (office - multifamily)
HM	Health-Medical
CA	Commercial (neighborhood)
CB	Commercial (downtown)
CG	Commercial (heavy commercial)
CR	Commercial (regional shopping center)
MA	Industrial (light industrial)

MB	Industrial (heavy industrial)
P	Public
A	Agricultural
PUD	Planned Unit Development
FP	Floodplain
AN	Airport Noise
DC	Downtown Core
DF	Downtown Fringe

Section 2. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

* * * * *

3. Portable Storage Containers.

* * * * *

c. Portable storage containers in commercial zoning districts.

1. Portable storage containers are allowed in the CA, ~~and~~ CG ~~and~~ CR Commercial Zoning Districts for the purpose of storage of seasonal merchandise during the following time periods: November 1 through January 15, and April 1 through June 15.

Section 3. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the

city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

2. Temporary uses (administrative approval). The Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen (15) days after termination of the use. The following are temporary uses to which such regulations apply:

- a. For a religious meeting in a tent or other temporary structure in a CG, MA, MB or A district for a period not to exceed thirty (30) days.

- b. For the open lot sale of Christmas trees in a CA, CG, **CR**, MA, MB or A district for a period not to exceed forty-five (45) days.

- c. For seasonal sales of nursery and bedding stock for a period of not more than ninety (90) days in a CA, CG, **CR**, MA, MB or A district.

- d. For sale of fireworks for a period of not more than thirty (30) days in a MA, MB or A district.

- e. For sale of locally grown farm or garden produce in a CA, CG, **CR**, MA, MB or A district of not more than ninety (90) days.

- f. For temporary retail sales in a CA, CG, **CR** or MA district for a period not to exceed sixty (60) days.

- g. For a show, circus, menagerie or carnival in a CA, **CR**, CG, MA, MB, A or P Zone for a period of no more than ten days provided

that proof of a bond or liability insurance as required by City Ordinance

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

- b. Off-Premise Advertising Sign: Off-Premise Advertising Signs may be permitted in any CG, **CR,** MA, or MB district as an administrative special use provided:

* * * * *

- e. Filling stations. A filling station may be permitted in a CA, **CB,** CG, **CR,** or MA district as a special use provided:

* * * * *

- g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, **CR,** MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

* * * * *

- m. Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, **CR,** MA or MB district as a special use, provided:

* * * * *

- s. Retail Liquor Sales. Retail liquor sales for Burleigh County Class AA, B, D and E liquor license holders may be permitted within the city's four-mile extraterritorial jurisdiction in any CA, ~~CB~~, CG, ~~CR~~ or MA district as a special use provided:

* * * * *

- v. Small Wind Energy Systems. This section is intended to provide reasonable standards for the use of a Small Wind Energy System (SWES) which would allow electrical power consumers to supplement or replace their use of utility-provided electrical power without creating negative impacts to adjacent properties or the public.

* * * * *

6. Sound produced by a SWES shall not exceed the following limits at the property line:

Zoning District	Day	Night
Residential: RR, RR5, R5, RMH, R10, RM, RT, HM, DF	55	45
Commercial: CA, CG, CR , DC	60	50
Industrial: MA, MB, P, A	65	60

Section 4. Amendment. Section 14-05-05.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Accumulation of Certain Items is hereby amended and re-enacted to read as follows:

14-05-05.1. Accumulation of Certain Items Prohibited.

* * * * *

2. No person shall cause, permit, keep, accumulate or allow the accumulation of any junk, refuse, surplus, scrap, salvage or similar items outside of a closed building or opaque fencing in any commercially, industrially or agriculturally-zoned district absent a special use permit. The items for which accumulations are prohibited

under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household or commercial appliances, used building materials or salvage, construction demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery parts, used tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items may have value does not excuse the conduct prohibited by this section. The prohibitions contained in this section shall apply to properties zoned ~~CA, DC, DF, PUD, CR, CG, MA, MB, or A-CA, CG, MA, MB, A, PUD, DC, or DF~~. Prior to signing a complaint under this section, the Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

August 24, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-005

Project Summary

<i>Title:</i>	Accessory Uses and Buildings in RMH Residential District
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Project Contact:</i>	Kim L. Lee, AICP, Planning Manager
<i>Sections Amended:</i>	14-03-06(1) (Incidental Uses/Accessory Uses and Buildings) and 14-04-05(3) (RMH Residential District/Development Standards)
<i>Request:</i>	Modify provisions in Title 14 to clarify the maximum permitted accessory building size allowed in the RMH Residential District.

Staff Analysis

Section 14-04-05(2) of the City Code of Ordinances (RMH Residential District) outlines use development standards for single-family mobile and manufactured home dwellings located within manufactured home parks. The lot coverage standards indicate that each lot shall be limited to one attached utility structure of no more than 120 square feet. The height limits indicate that no accessory building shall exceed 15 feet in height and that no legal attachment to a principal building shall exceed the height of the principal building. Although detached accessory structures have historically been allowed in this district, the provisions of this section are silent on the size or placement of accessory buildings other than those that are attached to the principal structure.

The desire for accessory buildings in this district has increased as the size of lease lots within the manufactured home parks have increased. Again, although the RMH district is silent on this matter, the practice has been to issue permits for accessory buildings under the same provisions applied to single-family dwellings in the R5 and R10 zoning district.

The proposed amendments will clarify that accessory buildings beyond an attached utility structure are allowed within the RMH zoning district and outline the requirements for such accessory buildings.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning ordinance text amendment to clarify provisions for accessory buildings in the RMH Residential District.

Attachments

1. Draft zoning ordinance amendment

(continued)

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-06 AND 14-04-05 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO INCIDENTAL USES/ACCESSORY USES AND BUILDINGS AND THE RMH RESIDENTIAL DISTRICT/DEVELOPMENT STANDARDS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses/Accessory Uses and Building is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

1. Accessory uses and buildings commonly associated with residential uses include recreational activities, raising of pets, hobbies and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including

horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-02 or 14-04-17 of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed.

3. Private swimming pools are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM, RMH & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

Section 2. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential District is hereby amended and re-enacted to read as follows:

14-04-05. RMH Residential District.

* * * * *

3. Development Standards.

a. Density. The maximum allowable density for all manufactured home parks shall be seven (7) families per net acre.

b. Lot Dimensions.

1. For single-wide manufactured home dwelling units, minimum lot dimensions shall be

fifty (50) feet and the minimum lot area shall be five thousand (5,000) square feet.

2. For double-wide manufactured home dwelling units, minimum lot dimensions shall be sixty (60) feet and the minimum lot area shall be six thousand (6,000) square feet.

c. Park Area. The minimum total area of a manufactured home park shall be at least one hundred forty thousand (140,000) square feet.

d. Lot Coverage. The ground area occupied by a manufactured home, all utility structures, roofed deck or patio, and required off-street parking spaces shall not exceed forty (40) per cent of the total area of the lot. In computing the ground coverage, sufficient off-street parking space to comply with Section 14-03-10 hereof shall be added to actual area of the principal and accessory buildings. Each lot shall be limited to one attached utility structure of no more than one hundred twenty (120) square feet. Each lot may also have detached accessory building(s) in accordance with Section 14-03-06 (1) of this Title, provided the lot coverage requirement is not exceeded.

e. Height Limits. No accessory building shall exceed fifteen (15) feet in height, nor shall any legal attachment to a principal building except the height of the principal building.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

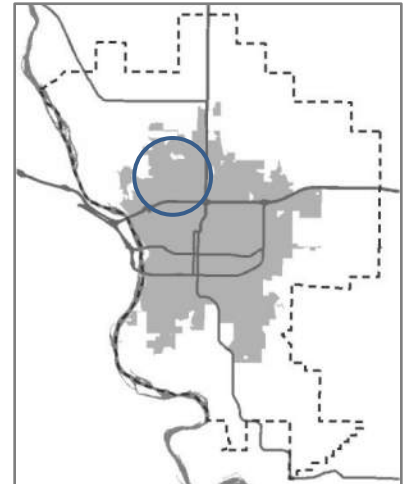
August 24, 2016

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2015-010

Project Summary

<i>Title:</i>	High Meadows Twelfth Addition (formerly known as High Meadows 13 th Addition)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Greg & Gail Mayer and Donald & Lorraine Fitzgerald
<i>Project Contact:</i>	David Patience, Swenson, Hagen & Co.
<i>Location:</i>	The property is located in northwest Bismarck, west of North Washington Street along the north side of Arabian Avenue (a replat of Lot 5 and part of Lot 6, Block 3, KMK Estates).
<i>Project Size:</i>	3.11 acres
<i>Request:</i>	Replat property for development of urban density single-family lots.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 parcels in 1 block	<i>Number of Lots:</i>	6 lots in 1 block
<i>Land Use:</i>	Rural single-family residential	<i>Land Use:</i>	Urban single-family residential
<i>Designated GMP</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP</i>	Already zoned. Not in Future Land Use Plan
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	R5 – Residential	<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre	<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	04/1959 (RR) 02/2016 (R5)	<i>Platted:</i>	11/1969	<i>Annexed:</i>	10/2014
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Staff Analysis

The proposed plat will convert two rural residential lots into six urban residential lots.

The preliminary version of this plat was tentatively approved by the Planning and Zoning Commission on October 28, 2015 as High Meadows 13th Addition. Since the previous version of High Meadows 12th has been abandoned, the name of this plat was changed to High Meadows 12th Addition at the request of staff.

There is an existing accessory building on the property that would be platted as Lot 1. This accessory building currently serves the single-family dwelling that is location on the property that would be platted as Lot 6; however, accessory buildings need to be located on the same lot as the principal use. For this reason, the accessory building would need to be removed from Lot 1 prior to recording the plat, or the owner would need to request that Lots 1 and 6 be combined into one tax parcel until such time as the accessory building is removed.

Required Findings of Fact*Final Plat*

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. The provision of neighborhood parks and open space is not needed because the

proposed final plat is a replat of part of an existing residential subdivision;

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

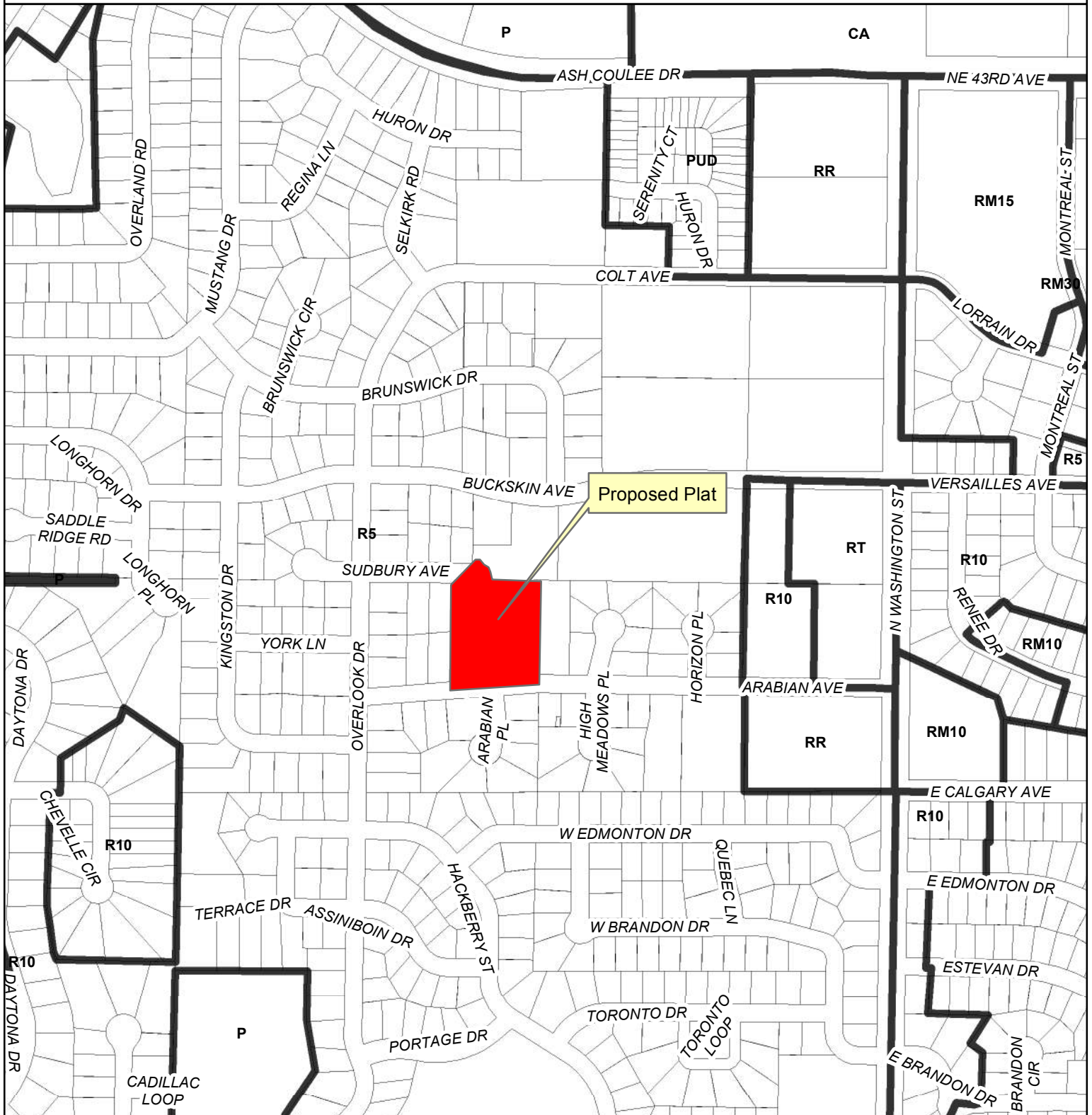
Based on the above findings, staff recommends approval of the final plat for High Meadows Twelfth Addition.

Attachments

1. Location Map
2. Reduction of Final Plat
3. Reduction of Preliminary Plat

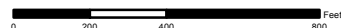
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Proposed Plat High Meadows Twelfth Addition

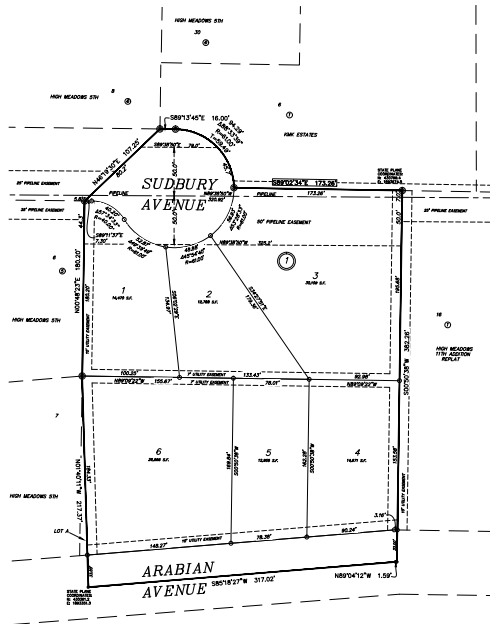


August 12, 2016 (klee)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



REPLAT OF LOT 5 AND PART OF LOT 6 BLOCK 3
KMK ESTATES SUBDIVISION
PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 20,
TOWNSHIP 139 NORTH, RANGE 80 WEST
BISMARCK, NORTH DAKOTA



BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

HYDRANT#1910 COLT AVENUE
1ST EAST OF SELKIRK ROAD
ELEV = 1934.82 (NOV 29)

COORDINATE DATA
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE

NATIONAL GEODETIC VERTICAL DATUM OF 1929

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

☐ MONUMENT TO BE SET
☒ MONUMENT IN PLACE



ALL THAT PART OF HIGH MEADOWS TWELFTH ADDITION, BERNARD, NORTH DAKOTA THAT LIES 50.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:
BEGINNING ON THE EAST LINE OF SAID HIGH MEADOWS TWELFTH ADDITION A DISTANCE OF 7.0 FEET SOUTH OF THE NORTHEAST CORNER; THENCE NORTH 89 DEGREES 38 MINUTES 50 SECONDS WEST DISTANCE OF 305.4 FEET TO THE WEST LINE OF SAID HIGH MEADOWS TWELFTH ADDITION AND 5.8 FEET NORTH OF THE SOUTH LINE OF SUDBURY AVENUE.

[illegible]

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATENCE, NOTARY PUBLIC
BURLINGHAM COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 15 DAY OF APRIL, 2015, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

~~CASE D. UNCLASSIFIED - SECRETARY~~

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2015.

ATTEST
M. C. MOONEN - CITY ADMINISTRATOR

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HIGH MEADOWS TWELFTH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

KNOW ALL MEN BY THESE PRESENTS THAT GREG MAYER AND DONALD FITZGERALD BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BIGH MOUNTAIN TWENTY-FOUR ACRES", BISMARCK, NORTH DAKOTA.

THEY ALSO DESIGNATE EASEMENTS TO THE CITY OF BIRMINGHAM TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

AND/OR ACROSS THOSE AREAS DEICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA } SS GREGORY MAYER GAIL MAYER
COUNTY OF BURLEIGH } 1022 E DYNDE
BISMARCK, ND 58501

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED GREGORY MAYER AND MAYER KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } ss DONALD FITZGERALD
LORRAINE FITZGERALD
435 BUCKSON AVENUE

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED DONALD & LORRAINE FITZGERALD, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

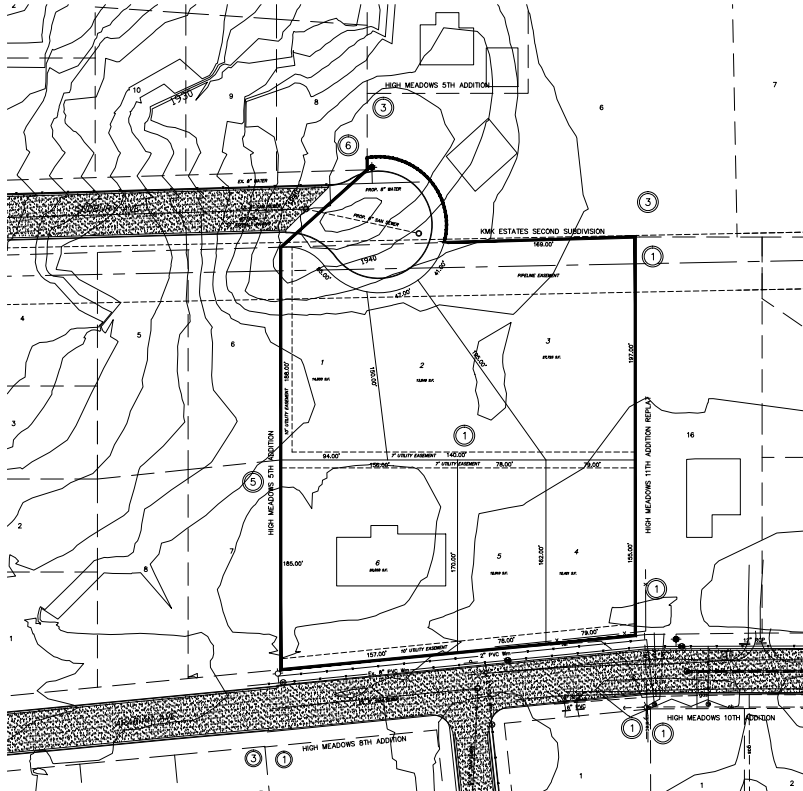
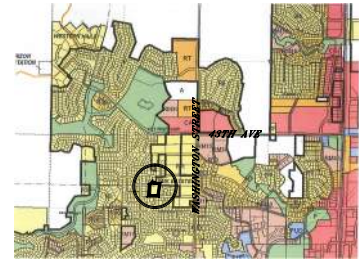
_____, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

HIGH MEADOWS THIRTEENTH ADDITION

REPLAT OF LOT 5 AND PART OF LOT 6 BLOCK 3
KMK ESTATES SUBDIVISION
PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 20,
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA

LOCATION MAP



2.74 ACRES
EXISTING ZONING: R5
6 LOTS

OWNER: GREG MAYER
ADDRESS: 1022 E DIVIDE AVENUE
BISMARCK, ND 58501
PHONE: (701) 400-2586

OWNER: DON FITZGERALD
ADDRESS: 435 BUCKSKIN DRIVE
BISMARCK, ND 58501
PHONE: (701) 258-7191



VERTICAL DATUM: NGVD 29
OCTOBER 13, 2015



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

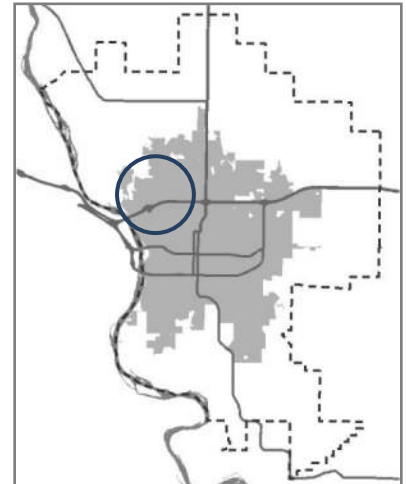
Agenda Item # 5
August 24, 2016

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2016-005

Project Summary

<i>Title:</i>	MDU Resources Northwest Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	MDU Resources Group, Inc City of Bismarck
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen, & Co.
<i>Location:</i>	In northwest Bismarck, in the southwest corner of the intersection of Country West Road and Clydesdale Drive.
<i>Project Size:</i>	2.75 acres
<i>Request:</i>	Create a one-lot subdivision for the expansion of an existing electrical substation.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Electrical substation	<i>Land Use:</i>	Electrical substation
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential	<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre	<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	1959	<i>Platted:</i>	N/A	<i>Annexed:</i>	Pre-1985
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Staff Analysis

MDU Resources owns and operates an electrical substation in northwest Bismarck adjacent to a City of Bismarck water tower site. The applicant intends to

expand the existing facility, requiring a larger parcel. MDU has brokered an agreement with the City of Bismarck Public Works Department – Utility Operations to purchase approximately a half acre from the City to

(continued)

expand the site to the east. A portion of this area is currently used as a temporary recycling center, and this use would be shifted further to the east if the property is sold. Neither the MDU-owned parcel nor the City-owned parcels have been platted, and a plat is required as a prerequisite to obtaining a building permit on the site.

The area is within the R5 – Residential zoning district. Electrical substations, along with all other basic utility infrastructure, are allowed by-right in this and every other zoning district. Section 14-03-07 (15) of the Bismarck Code of Ordinances outlines additional requirements relating to setbacks, fencing, landscaping, etc. for all uses within the Utility Services Group. The applicant will have to demonstrate compliance with these provisions during the site plan review and approval process.

However, staff recommends waiving the required buffer yard between the substation and the adjacent city-owned and residentially-zoned property. The parcels to the east and south are zoned R5 – Residential zoning district, but are used for a reservoir and will be into the foreseeable future. A lack of a buffer yard will only impact the City and no private property owners. These uses do not meet the intent of the buffer yard requirement.

An existing municipal water main runs along the proposed eastern boundary of the plat. The applicant shows a 15-foot water main easement on the plat, and the Engineering Department concurs that this is a sufficient width.

One of the conditions that the Planning and Zoning Commission placed on the tentative approval of the preliminary plat was the inclusion of a utility easement along the west side of the plat. Staff no longer recommends this easement, because of the placement of the existing trees within ten feet of the property line. The dedication of a utility easement in this area is likely not necessary and could jeopardize the existence of these trees.

The final plat is prepared with the assumption that MDU will have full ownership of the entire area. Although the transfer has not occurred, the intent is for

the City to transfer the property at some point after final approval of the plat but before recordation.

Required Findings of Fact

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the final plat for MDU Resources Northwest Addition, with the following conditions:

1. All of the land in the proposed plat will be owned by MDU Resources Group, Inc prior to recordation of the plat.

Staff also recommends the approval of a waiver of the requirement to provide a fifteen (15) foot buffer

on the south and east portions of the plat in Section 14-03-07(15)a(6) due to the non-residential character of the adjoining parcels.

Attachments

1. Location Map
2. Reduction of the Final Plat
3. Reduction of Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Plat MDU Resources Northwest Addition



June 27, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

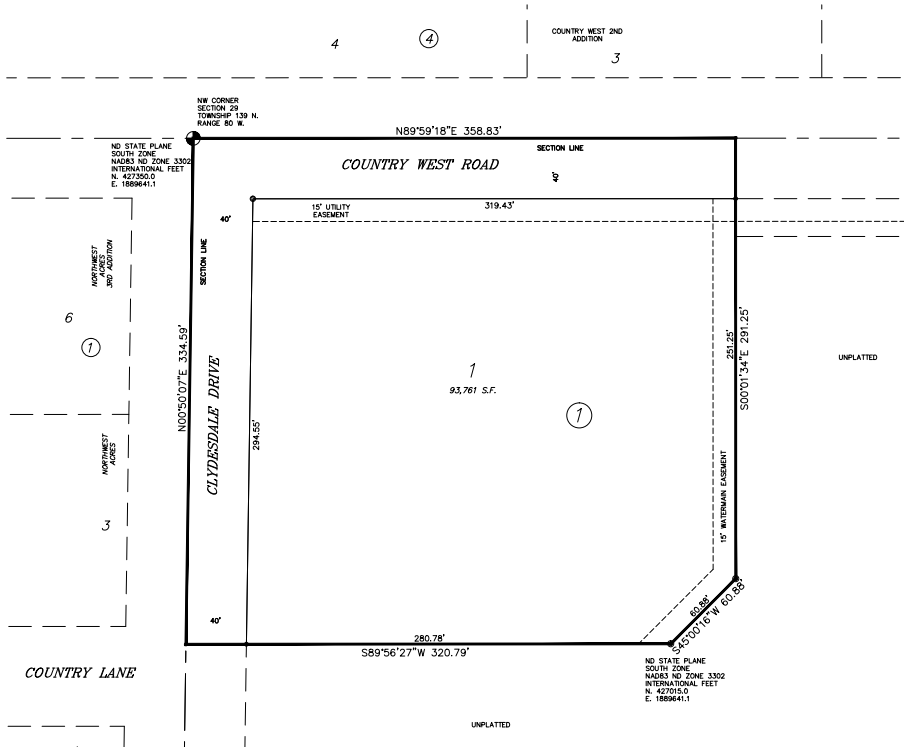
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MDU BISMARCK NORTHWEST ADDITION

PART OF THE NW 1/4 OF SECTION 29, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



NOTES

BASE OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE, COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

- MONUMENT TO BE SET
- MONUMENTS IN PLACE



JULY 15, 2016

AREA			
LOTS	93,761 S.F.	2.15 ACRES	
STREET	26,148 S.F.	0.60 ACRES	
TOTAL	119,909 S.F.	2.75 ACRES	

DESCRIPTION

MDU BISMARCK NORTHWEST ADDITION, PART OF THE NW 1/4 OF SECTION 29, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NW 1/4, A BEARING OF N 89 DEGREES 59 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 358.83 FEET; THENCE SOUTH 00 DEGREES 00 MINUTE 34 SECONDS EAST, A DISTANCE OF 294.25 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 18 SECONDS WEST, A DISTANCE OF 60.88 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 27 SECONDS WEST, A DISTANCE OF 320.79 FEET TO THE WEST LINE OF SAID NW 1/4 AND THE CENTERLINE OF THE CLYDESDALE DRIVE RIGHT OF WAY, THENCE NORTH 00 DEGREES 00 MINUTES 07 SECONDS EAST, ALONG SAID WEST LINE AND CENTERLINE, A DISTANCE OF 324.59 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 2.75 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE RECORD OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 335
BISMARCK, NORTH DAKOTA 58504) TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 15 DAY OF JULY, 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC:
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 15 DAY OF JULY, 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 15 DAY OF JULY, 2016.

ATTEST

KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "MDU BISMARCK NORTHWEST ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MONTANA DAKOTA UTILITIES COMPANY, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT NORTH DAKOTA DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS MDU BISMARCK NORTHWEST ADDITION, BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CONVEY, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO BE OPEN TO THE PUBLIC USE FOR PERPETUITY.

WEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

WEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "WATERMAIN EASEMENTS" TO RUN WITH THE LAND TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATER FACILITIES UNDER OR UPON THE REAL PROPERTY HEREIN.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS
MONTANA DAKOTA UTILITIES COMPANY
400 NORTH FOURTH STREET
BISMARCK, ND 58501

ON THIS 15 DAY OF JULY, 2016, BEFORE ME PERSONALLY APPEARED _____ OF MONTANA DAKOTA UTILITIES COMPANY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

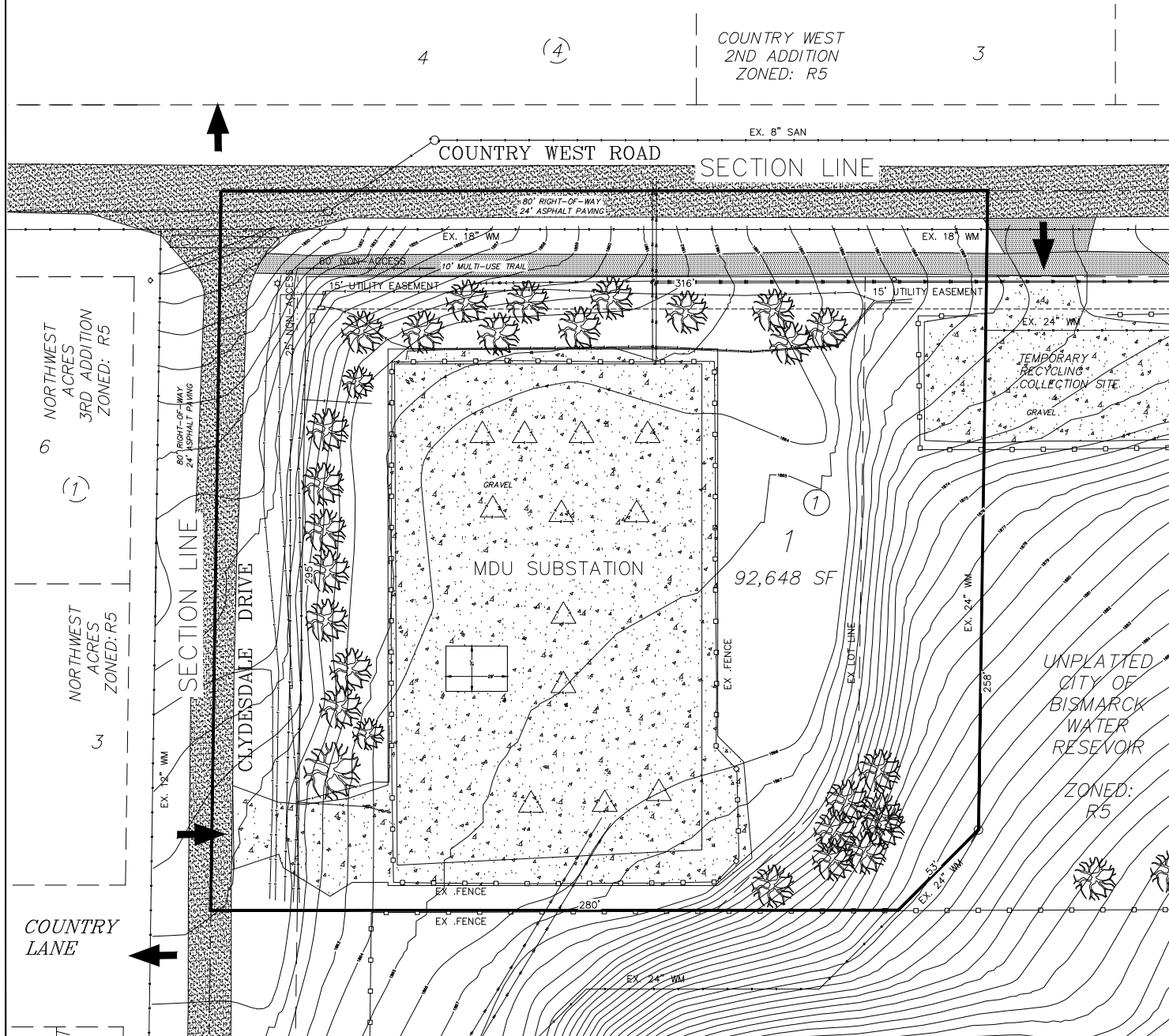
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



MDU RESOURCES SECOND ADDITION

PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 29,
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP

2.70 ACRES
EXISTING ZONING: R5
1 LOTS

OWNER: MDU CO.
ADDRESS: 400 N. 4TH ST
BISMARCK, ND 58501
PHONE: (701) 222-7665

UNPLATTED
CITY OF
BISMARCK
WATER
RESEVOIR
ZONED:
R5



VERTICAL DATUM: NAVD 88

JUNE 22, 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

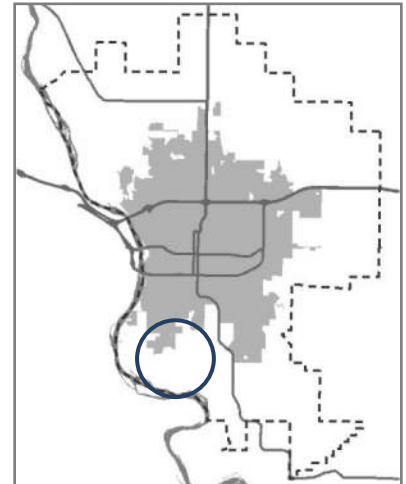
Agenda Item # 6
August 24, 2016

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2016-006

Project Summary

<i>Title:</i>	Woodland Third Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Duane Vetter
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	South of Bismarck, between 48 th Avenue SE and Oahe Bend Drive, along the east side of 12 th Street SE.
<i>Project Size:</i>	2.27 acres
<i>Request:</i>	Plat property for development of one rural residential lot.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Part of one parcel	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family rural residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential	<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The Planning and Zoning Commission at their meeting of July 27, 2016 recommended tentative approval of the proposed plat.

Approval of the proposed subdivision is being requested for the future development of a single rural residential lot.

The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain.

(continued)

Development of the site, including construction of the proposed single-family dwelling, must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District).

Required Findings of Fact

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

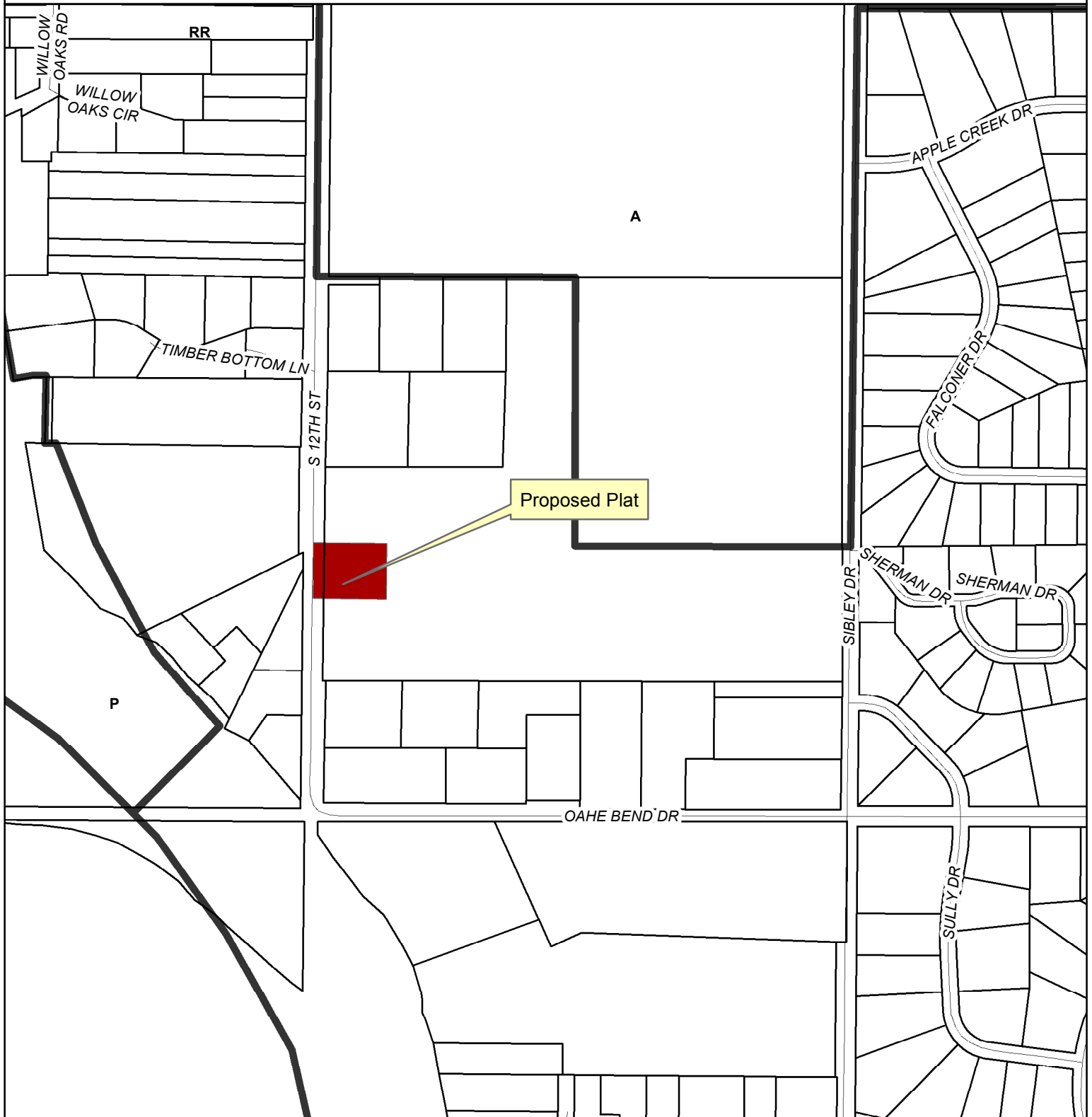
Based on the above findings, staff recommends approval of the final plat for Woodland Third Subdivision.

Attachments

1. Location Map
2. Reduction of Final Plat
3. Reduction of Preliminary Plat

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Plat Woodland Third Subdivision



June 27, 2016 (hlb)

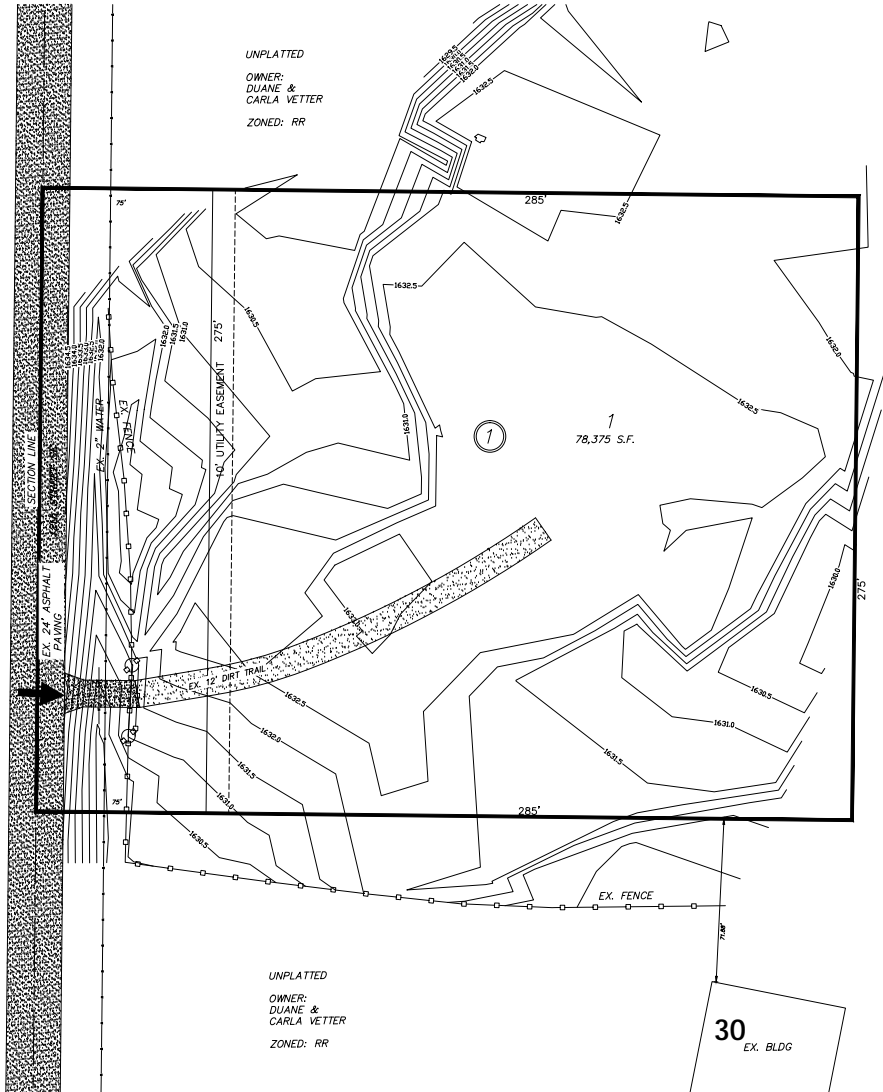
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 270 540 1,080 Feet



WOODLAND THIRD SUBDIVISION

PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 138 NORTH, RANGE 80 WEST
BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

1.8 ACRES
EXISTING ZONING: RR
1 LOT

OWNER: DUANE VETTER
ADDRESS: 6021 SE. 12TH ST
BISMARCK, ND 58501
PHONE: (701) 223-4924

FLOOD PLAIN:
FIRM MAP NUMBER: 38015C0960D
100 YR. FLOOD PLAIN ELEV: 1633.7



VERTICAL DATUM: NAVD 88
JUNE 20, 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7
August 24, 2016

Application for: Future Land Use Plan Amendment

Zoning Change

Major Subdivision Final Plat

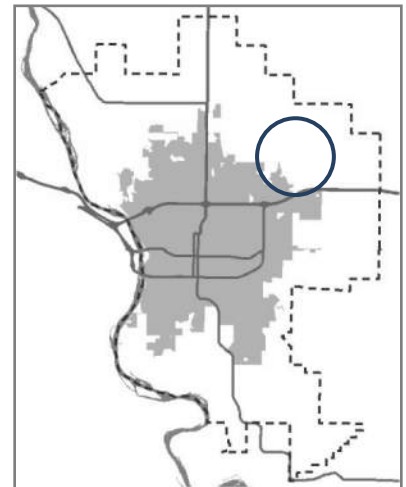
TRAKiT Project ID: FLUP2016-001

ZC2016-XXX

FPLT2016-XXX

Project Summary

<i>Title:</i>	Silver Ranch First Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Investcore, Inc. Silver Ranch, LLP
<i>Project Contact:</i>	Ken Nysether, SEH
<i>Location:</i>	Northeast of Bismarck, along the south side of 43 rd Avenue NE and the east side of 52 nd Street NE.
<i>Project Size:</i>	155 acres
<i>Request:</i>	Plat and rezone property to create 272 lots for mixed-density residential, office, and neighborhood commercial land uses.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	0	<i>Number of Lots:</i>	272
<i>Land Use:</i>	Agricultural	<i>Land Use:</i>	Single-family residential, multi-family residential, offices, neighborhood commercial, park, and greenway
<i>Designated GMP</i>	Low Density Residential	<i>Designated GMP</i>	Low Density Residential
<i>Future Land Use:</i>	Medium Density Residential Conservation	<i>Future Land Use:</i>	Medium Density Residential Conservation
<i>Zoning:</i>	A – Agricultural RR – Residential	<i>Zoning:</i>	R5 – Residential R10 – Residential RT – Residential CA – Commercial P – Public Use

<i>Uses Allowed:</i>	A – Agriculture RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential RT – Offices and multi-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre RT – 30 units / acre CA – 30 units / acre P – N/A

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

Silver Ranch First Addition is a major urban subdivision proposed for the area northeast of Bismarck. The development would be predominantly single-family residential in character, but would also include multifamily-residential, neighborhood commercial, offices, and a greenway with a park. It is the first proposed phase of a larger master plan for development that extends north to 57th Avenue NE and west to 66th Street NE.

The Planning and Zoning Commission tentatively approved the preliminary plat for Silver Ranch First Addition on April 27th, 2016. The requested rezonings were considered during this meeting, and an amendment to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, was considered during the following regular meeting on May 25, 2016.

The scope of review of this staff report will be restricted to the Planning and Zoning Commissions approval of the preliminary plat, as well as any changes to the plat or requested zoning made since the subdivision was first reviewed by this Commission. Previous staff reports may be referenced for a more detailed analysis on the concurrency with adopted plans and ordinances.

Conditions of Approval

The conditions of approval set by the Planning and Zoning Commission, followed by a discussion of the current status of meeting this condition, are as follows:

1. **“Commitments to improve 43rd Avenue NE and 52nd Street NE as identified in the Northeast Bismarck Subarea Study and necessary to provide efficient service to the proposed subdivision, as determined by the City Engineer, are identified prior to approval of the final plat.”**

The applicant is currently working with the Burleigh County Highway Department to improve approximately two miles of 43rd Avenue NE from near the intersection with 52nd Street NE to the intersection with 80th Street NE. The improvements would be made to the standard of a two-lane rural section. Although this does not comply with the recommendations of the Northeast Bismarck Subarea Study, it would allow capacity to serve the proposed subdivision and could be upgraded in the future as funding becomes available. The Burleigh County Commission has not committed to making the improvements to date. A Developer’s Agreement between the City of

Bismarck and Investcore, Inc. will be drafted and presented to the City Commission in conjunction with the final action on the final plat of Silver Ranch First Addition. The agreement would stipulate responsibilities for improvements to 52nd Street NE, as well as other needed infrastructure, to serve the proposed subdivision.

2. **“A plan detailing proposed transportation improvements to provide secondary access for emergency operations is submitted with the final plat.”**

The access to the subdivision is proposed to be along 43rd Avenue NE, with at least two points of access at least from the 52nd Street NE/43rd Avenue NE intersection into the subdivision. The City of Bismarck Fire Department considers this acceptable access for emergency services.

3. **“All easements or rights-of-way necessary to provide water and sewer service are secured prior to approval of the final plat.”**

The applicant has secured sanitary easements through the coulee south of the proposed subdivision, and these easements have been accepted by the City Engineering Department. The applicant continues to seek easements for the extension of a water line along 43rd Avenue NE from Centennial Road through the east end of the proposed plat to provide city water to the subdivision. The applicant intends to have all necessary easements in place prior to the final action by the City Commission on these requests.

4. **“A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat.”**

Silver Ranch First Addition is an urban subdivision and annexation will be required prior to the extension of municipal services and site development. An annexation route has yet to be conclusively identified, but the applicant is pursuing the possibility of annexation in the proximity of 43rd Avenue NE. Any annexation

will require a petition from the owners of any land being annexed.

5. **“The plat is modified to dedicate sufficient right-of-way for a future extension of East Century Avenue prior to approval of the final plat.”**

The applicant has revised the plat to meet this condition, and is now compliant with the Fringe Area Road Master Plan. The plat now shows approximately 250 foot Right of Way for a future extension of Century Avenue. This is more space than necessary, which will allow some flexibility in the placement of the future roadway. Once the final alignment of Century Avenue is determined, any excess right-of-way will be vacated and revert back to the adjoining property owners.

6. **“The plat is modified to allow sufficient utility easements within the subdivision, as requested by utility companies prior to approval of the final plat.”**

Several new utility easements internal to the plat have been added. This condition has been met.

Park Development Agreement

The developer and the Bismarck Parks and Recreation District Board have signed an agreement to create a new park along the east side of Silver Ranch First Subdivision. The signed agreement is attached. The park would feature a play area, picnic shelter, and a trail system around areas reserved for stormwater detention. There would be two access points to the park property. The entire strip of land on the eastern side of the property has been dedicated to parks, to allow future extension of a trail system south of the Century Avenue extension.

Changes in Zoning and Other Revisions

The requested zoning, as shown on the attached zoning map, has not changed significantly since last considered by the Planning and Zoning Commission. The neighborhood commercial area is intended for the north-east portions of the plat, with office and multifamily residential transitioning into single-family

(continued)

residential areas to the south-west. The request to amend the Future Land Use Plan to Medium Density Residential Mixed Use accommodates the requested zoning. Placing the more intensive uses near the arterial roadway and closer to the anticipated commercial district to the east along the 66th Street corridor is appropriate. The majority of the subdivision will remain single-family residences.

The right-of-way of the intersections of 43rd Avenue NE/Silver Boulevard and 43rd Avenue NE/Silver Ranch Road have been modified to allow a roundabout in this location in the future.

The bulb-out areas at the bends in the roadway have been removed from the public right-of-way. These paved areas will be under a private access easement owned and controlled by the land owners that use it.

Required Findings of Fact

Future Land Use Plan Amendments

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;
3. The Gibbs Township Board of Supervisors has recommended approval of the proposed amendment;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the

2014 Growth Management Plan, as amended, if amended in conjunction with this zoning change.

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Gibbs Township Board of Supervisors has recommended approval of the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. A neighborhood park agreement or a park concept development plan has been accepted by the Bismarck Parks and Recreation District;

(continued)

6. The Gibbs Township Board of Supervisors has recommended approval of the proposed final plat;
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
9. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the amendment to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, from Low Density Residential to Medium

Density Residential Mixed Use in the N ½ of Section 19, T139N-R79W/Gibbs Township as shown in the attached map; approval of the zoning change from the A – Agricultural and RR – Residential zoning districts to R5 – Residential, R10 – Residential, RT – Residential, CA – Commercial, and P – Public Use zoning districts; and approval of the final plat for Silver Ranch First Addition, subject to the following conditions:

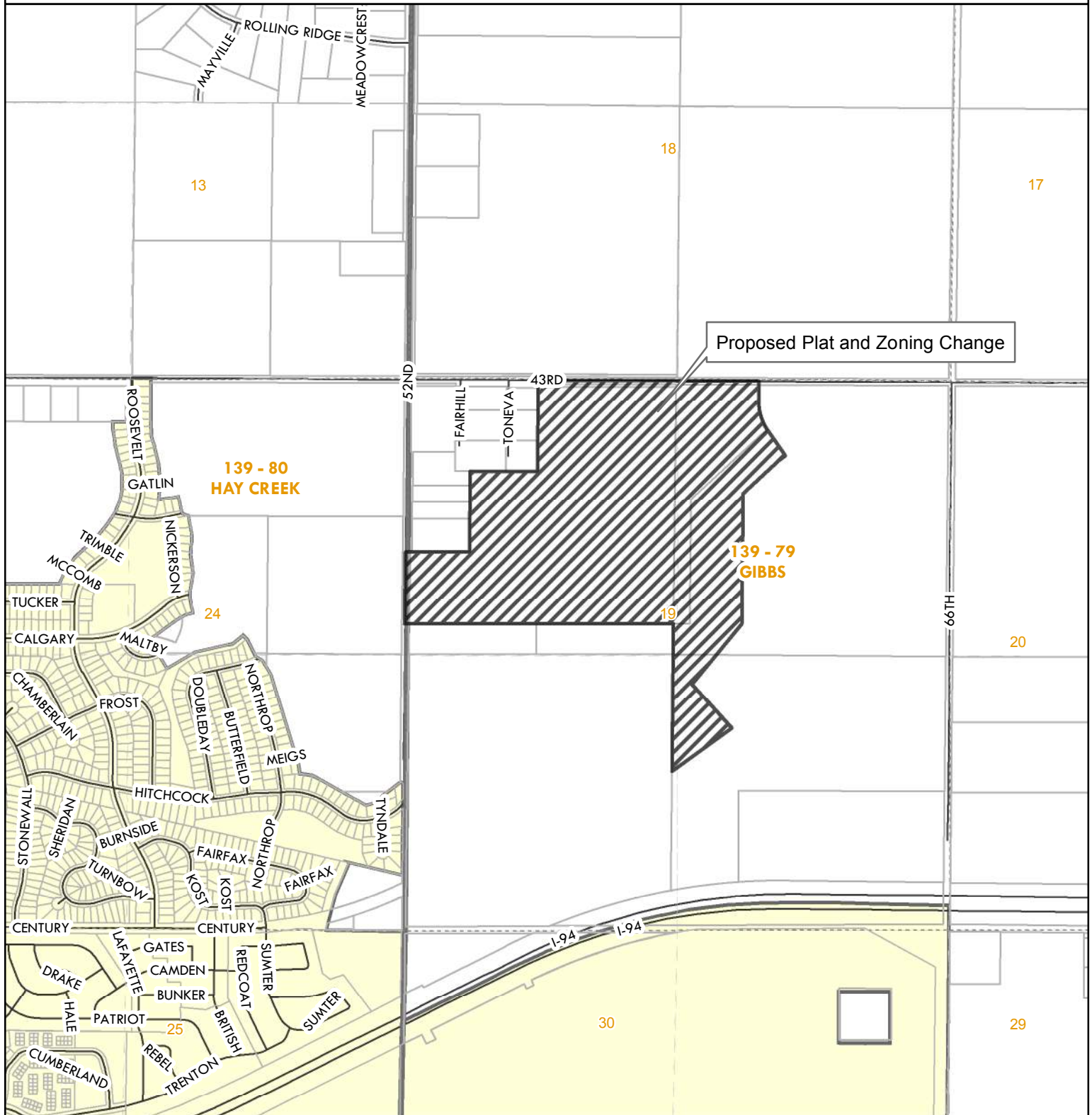
1. A developers agreement is signed prior to final plat approval detailing responsibilities for the improvement and installation of all infrastructure necessary to serve Silver Ranch First Addition.
2. Easements for rights-of-way necessary to provide water service are secured prior to approval of the final plat.
3. A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat.
4. No building permit may be issued prior to annexation and provision of municipal services to the lands within

Attachments

1. Location Map
2. Future Land Use Plan Amendment Map
3. Zoning Map
4. Park Development Agreement
5. Reduction of Final Plat
6. Reduction of Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Plat and Zoning Change (A and RR to R5, R10, RT, CA, and P) Silver Ranch Addition



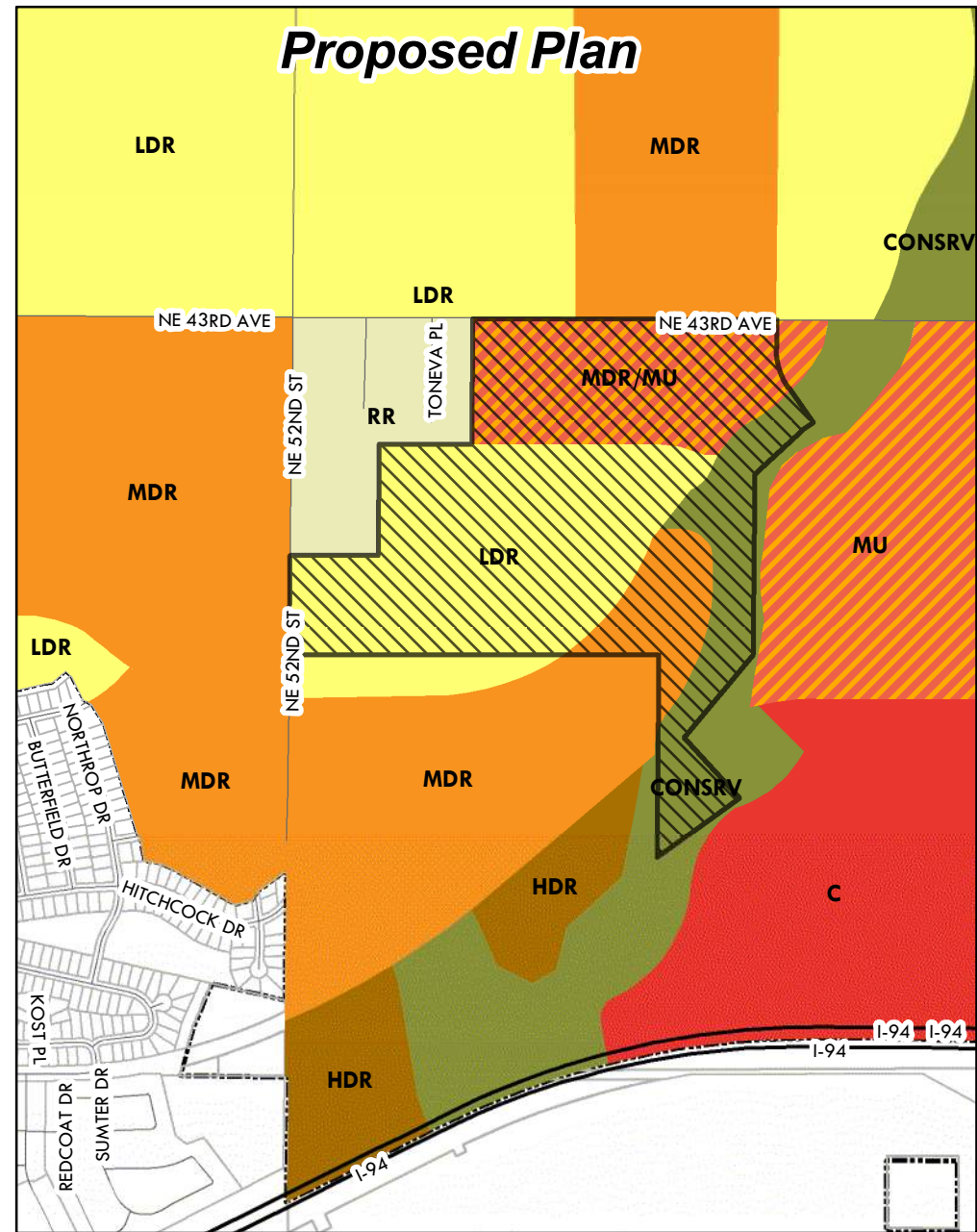
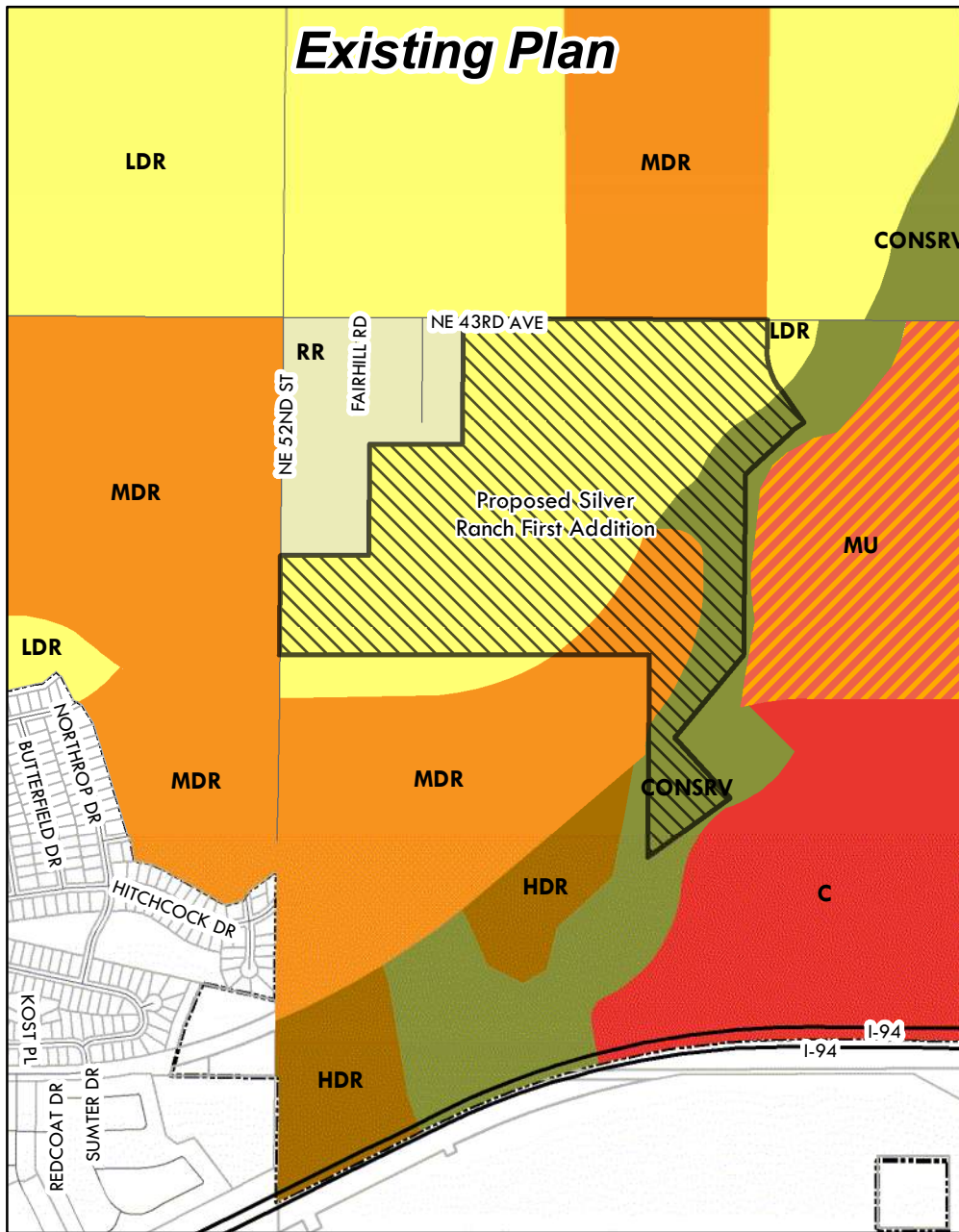
August 12, 2016 (DAN)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 500 1,000 2,000 Feet



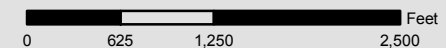
Silver Ranch First Addition - Future Land Use Plan Change (LDR to MDR/MU)



LDR = Low Density Residential
MDR = Medium Density Residential
HDR = High Density Residential
C = Commercial

CONSRV = Conservation
RR = Rural Residential
MDR/MU = Medium Density Residential Mixed Use

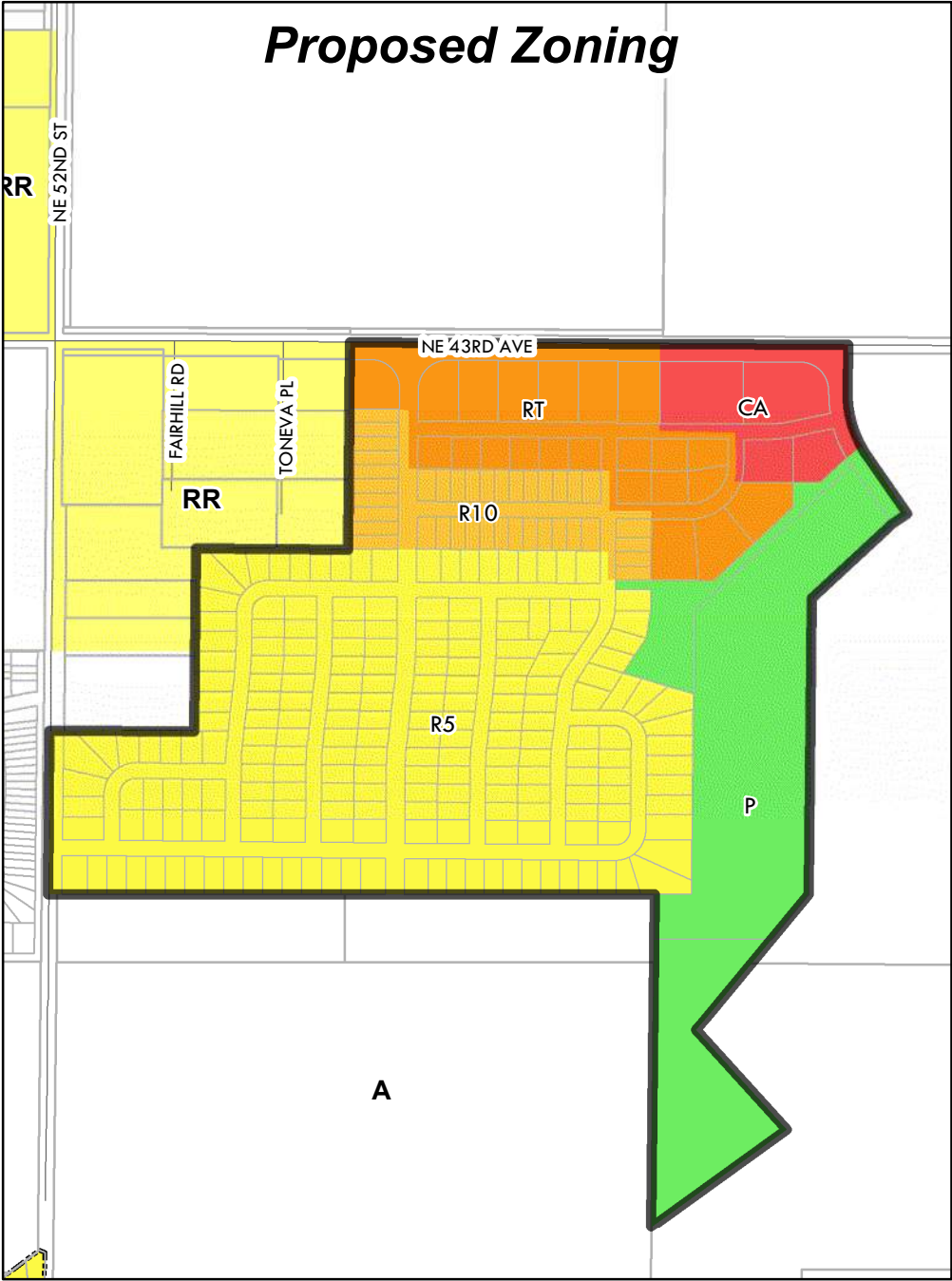
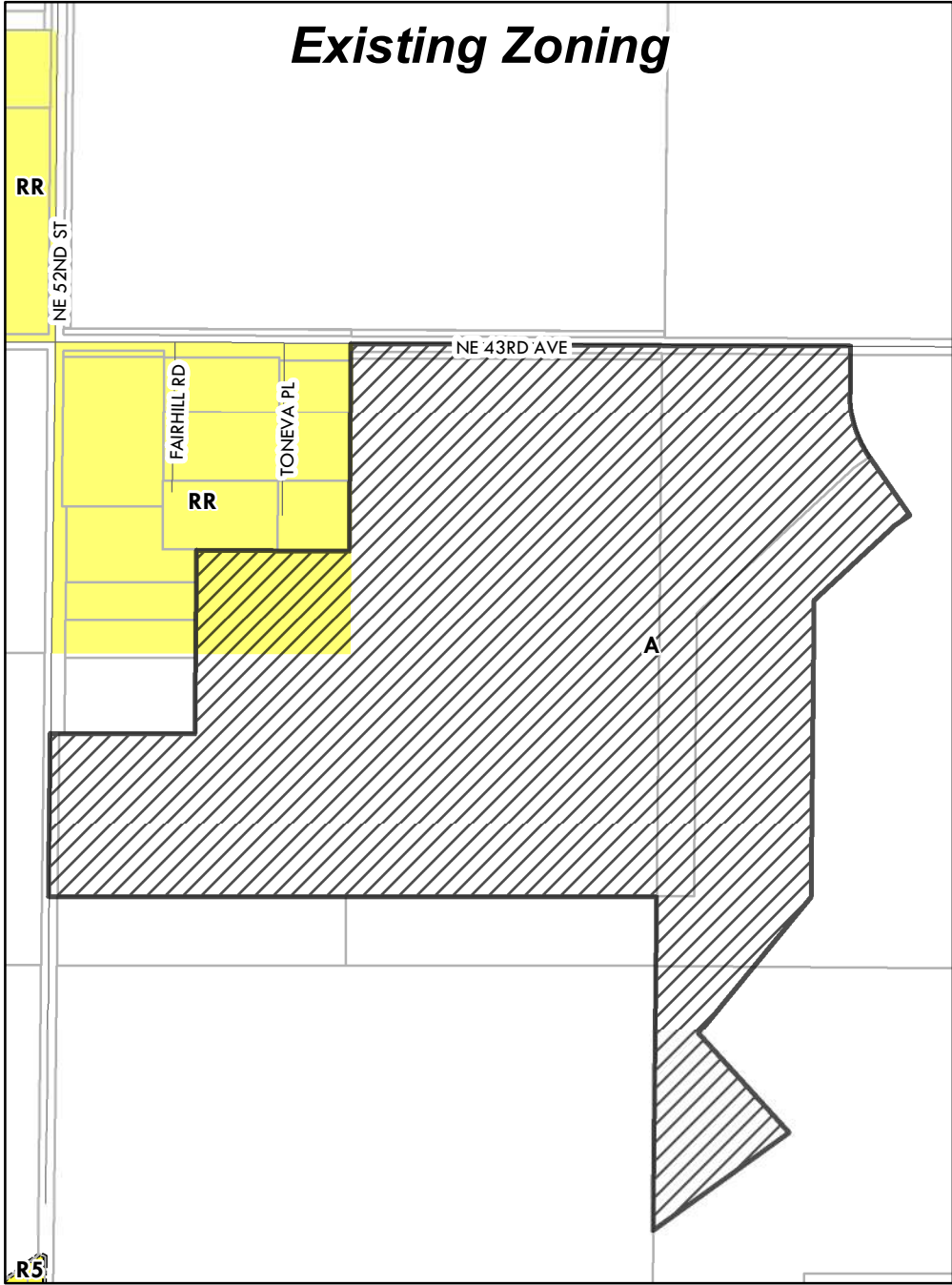
This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated hereon.



May, 2016



Silver Ranch First Addition - Zoning Change (A and RR to R5, R10, RT, CA, and P)



 City Limits  Extraterritorial Area

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



PARK DEVELOPMENT AGREEMENT
Neighborhood Park in Silver Ranch 1st

This Park Development Agreement (the "Agreement") is made and entered into this 16th day of June, 2016, by and between **INVESTCORE, INC.**, whose post office address is 905 Tacoma Ave, Suite 2, Bismarck, ND 58504 ("Developer"), **SILVER RANCH 19, LLP**, whose post office address is 1117 North 3rd Street, Bismarck, ND 58501 ("Property Owner") and the **PARK DISTRICT OF THE CITY OF BISMARCK**, a park district under the laws of the State of North Dakota, 400 East Front Avenue, Bismarck, North Dakota 58504 ("Park District").

Preliminary Statement

Developer owns 126 acres (the "Developer Property") and the Property Owner owns 30.78 acres (the "Property Owner's Property") of a 156 acre, more or less, tract of real property located in, the City of Bismarck, Burleigh County, North Dakota, specifically described below and delineated on the plat/survey as attached Exhibit A:

Silver Ranch 1st Addition

Developer is in the process of planning a residential development on the Developer Property in which the Developer desires to include a neighborhood park of approximately 3.4 acres on the Developer Property, the location being generally shown as a solid green hatch on Exhibit A (the "Park Area"), and to include a greenway area of approximately 30.78 acres on the Property Owner's property, the location being generally shown as a striped hatch on Exhibit A (the "Greenway").

Park District desires to establish an additional neighborhood park in Bismarck and will design the 3.4 acre tract (the "Park Area"), effect the construction of the park amenities and manage the Park Area and the Greenway, all pursuant to the terms and conditions of this Agreement and the rules and regulations established by the Board of Park Commissioners from time to time.

Agreement

NOW, THEREFORE, in consideration of the above preliminary statements, the terms and conditions of this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Scope of Agreement.** This Agreement shall not constitute a partnership or a joint venture by and between the Developer, Property Owner and the Park District. No party has a right or obligation to bind the other party to any course of action or commitment as it relates to the development of the Developer Property, including the Park Area that is described herein. Each of the parties is an independent contractor and, although they will coordinate their efforts to develop the Park Area, possibly to include elements of design, access and amenities, no party is assuming any obligation of any other party. This sale and conveyance is contingent upon the City of Bismarck creating a Park Improvement Special Assessment District for funding this neighborhood park in Silver Ranch. If the City of Bismarck does not agree to create a Park Improvement Special Assessment District for funding this neighborhood park in Silver Ranch 1st, this agreement is null and void.
2. **Conveyances.** On the date of closing, which is defined in the Real Estate Purchase and Contribution Agreement (Exhibit C-1) and the Real Estate Contribution Agreement (Exhibit C-2), Developer shall cause to be transferred and conveyed to the Park District the approximately 3.4 +/- acres that constitutes this portion of the Park Area, and the Property Owner shall cause to be transferred and conveyed to the Park District the approximately 30.78 +/- acres that constitutes this portion of the Greenway, as is in the general location as shown on the site plan attached as Exhibit A and further delineated on Exhibit A-1. The terms of the conveyance are described in the attached Real Estate Purchase and Contribution Agreement (Exhibit C-1) and the Real Estate Contribution Agreement (Exhibit C-2). The parties acknowledge that the approved plat shall dedicate the Park Area and Greenway to public use.
3. **Developer and Park District Obligations.** Developer and Park District acknowledge that they will be responsible for the following amenities to be located on the Developer Property, Greenway, and the Park Area:

- a. Specific Neighborhood Park Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Specific Park Amenities assessed against the benefitted Lot Owners/Developer Property as described in Exhibit A-2.
 - b. Park District District-wide Amenities are described on Exhibit B and will be installed by the Park District and financed through a City of Bismarck special assessment improvement district with the costs for the Park District District-wide Amenities assessed against the benefitted Park District Property.
4. Park Area and Greenway Design. The Park District shall develop a design for the Park Area and Greenway that provides park activities, such as walking trails, shelters and playgrounds. Attached on Exhibit A-1 is the parties' initial concept of the park design.
5. Maintenance. In entering into this Agreement, the Park District contemplates it will maintain the Park Area and Greenway within its normal park maintenance program and consistent with other parks within the Bismarck area. The Park District will be generally responsible for future maintenance of the Park Area and Greenway, the trails leading to the Park Area and the equipment and the other Park Amenities in the Park Area.
6. Construction. The construction of the Park Amenities described in Section 3 and as shown on Exhibit B are intended to be completed by one calendar year after the special assessment district is created.
7. Naming Rights. The Property Owner shall have the right to name the Park Area, subject to the approval of the Park Board.
8. General Provisions.
- a. This Agreement, together with the other surveys, plans and specifications that have been reviewed by the parties or will later be provided pursuant to this Agreement and the attachments hereto, contain the entire agreement among the parties respecting the matters herein set forth and supersede all prior discussions with respect to such matters. Notwithstanding the above, the parties acknowledge that this is a work in progress and development of the final design for the Park Area will be part of this Agreement.
 - b. This Agreement shall be binding upon and inure to the benefit of all the parties and their respective successors and assigns.
 - c. This Agreement shall be construed and enforced in accordance with the laws of the State of North Dakota.
 - d. This Agreement may be modified only by a written document signed by all parties. A purported oral modification shall not be effective.
 - e. The Developer and Property Owner shall hold the Park District harmless for any claim or injury to a person or property arising out of, or in the course of any construction, design, and plan of the Park Area, if any, conducted by the Developer or Property Owner. In like manner, the Park District, once it acquires the Park Area and the Greenway and assumes maintenance responsibility, will hold the Developer and the Property Owner harmless for claims arising out of its negligence in maintaining the Park Area and Greenway.

DEVELOPER:

By: Chad Wachter - CEO
Chad Wachter, Investcore, Inc.

PROPERTY OWNER:

By: I. Nedeaone Selhernogel
Silver Ranch 19, LLP

THE PARK DISTRICT OF THE
CITY OF BISMARCK

By: Justin Jaske
Its: President

By: Randy Bina
Its: Clerk

Exhibit A - Plat of Developer and Property Owner Property

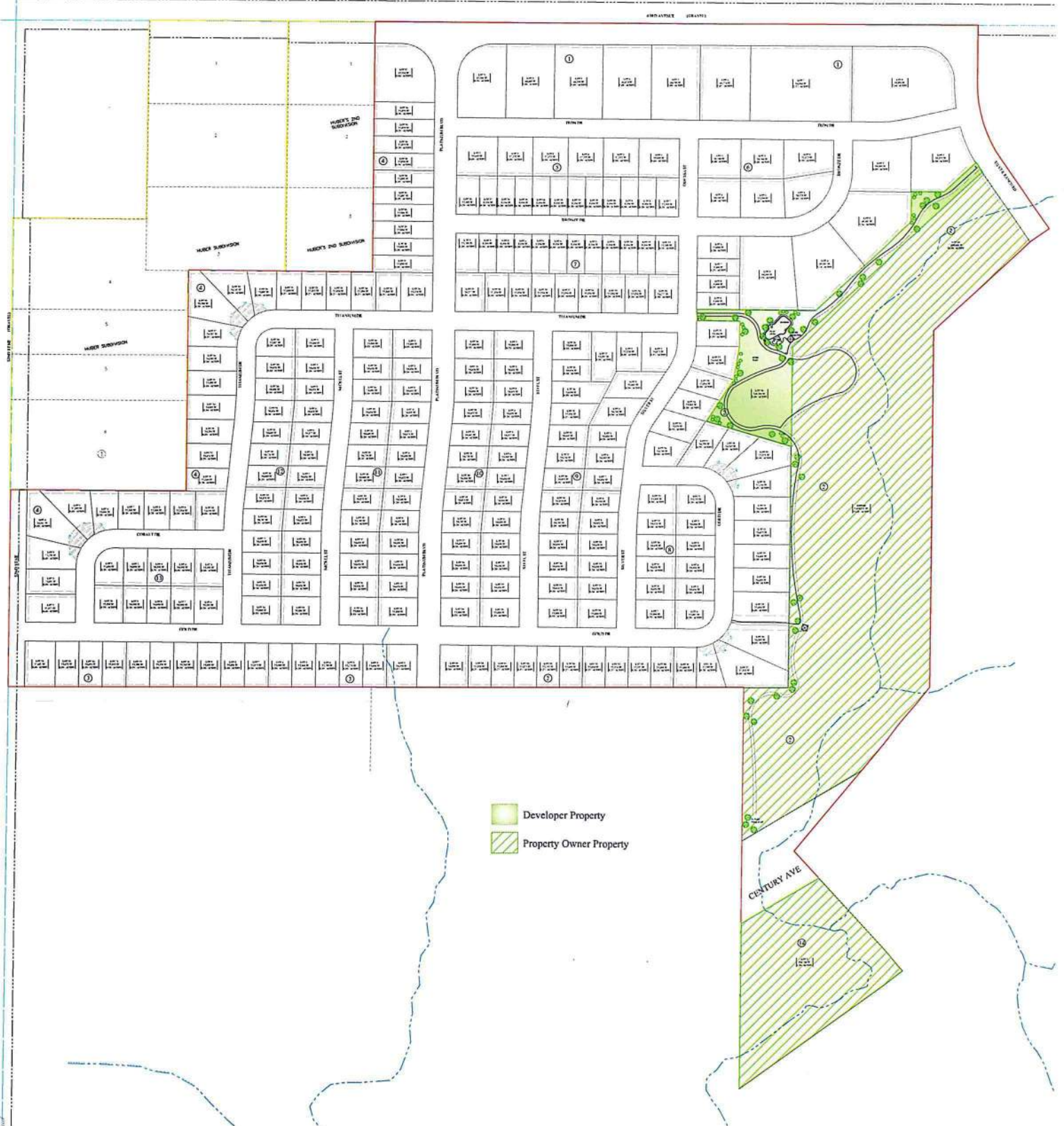
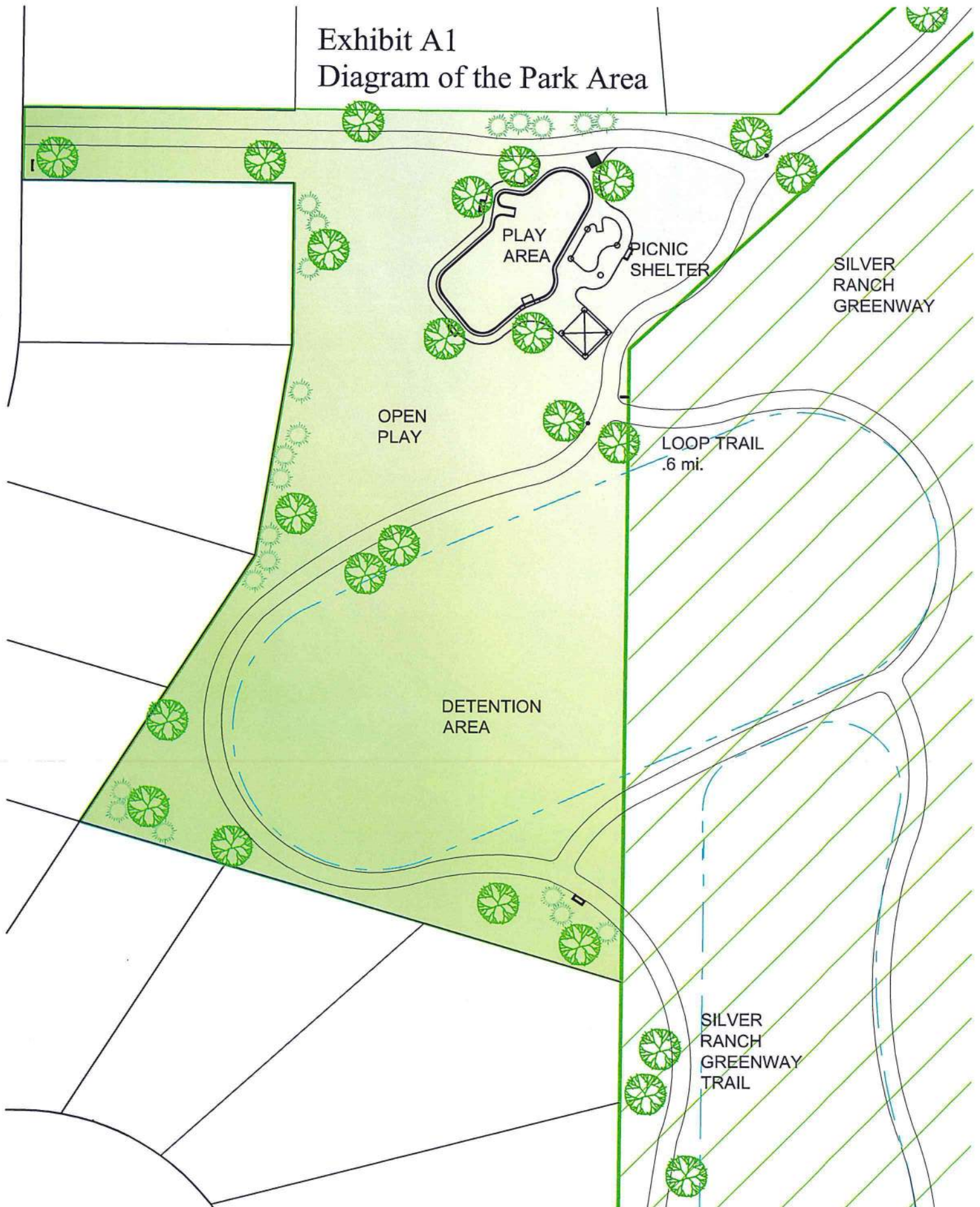


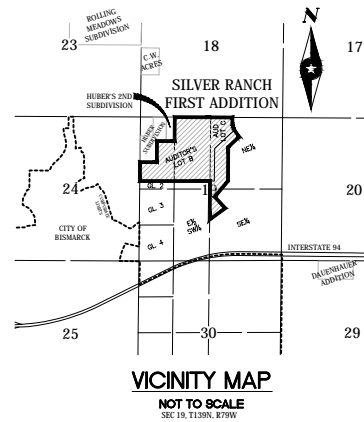
Exhibit A1
Diagram of the Park Area





SILVER RANCH FIRST ADDITION

Auditor's Lot B of the East Half of the Northwest Quarter & Government Lots 1 and 2 and Auditor's Lot C of the Northeast Quarter of Section 19, and part of the East Half of Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota



DESCRIPTION:

SILVER RANCH FIRST ADDITION consisting of Lots 1 through 8, Block 1, Lots 1 through 40, Block 2, Lots 1 through 16, Block 3, Lots 1 through 37, Block 4, Lots 1 through 18, Block 5, Lots 1 through 6, Block 6, Lots 1 through 21, Block 7, Lots 1 through 12, Block 8, Lots 1 through 27, Block 9, Lots 1 through 26, Block 10, Lots 1 through 26, Block 11, Lots 1 through 12, Block 12 and Lots 1 through 10, Block 13, Lot 1, Block 14, Burleigh County being a replat of Auditor's Lots B of the East Half of the Northwest Quarter & Government Lots 1 and 2 and Auditor's Lot C of the Northeast Quarter of Section 19, and part of the East Half of Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota, and being more particularly described as follows:

Commencing at the northwest corner of Section 19, thence South 89 degrees 41 minutes 28 seconds East along the north line of Section 19 a distance of 1250.38 feet to the Point of Beginning, thence continuing South 89 degrees 41 minutes 27 seconds East along said north line 1320.81 feet to the north quarter corner of said Section 19, thence South 89 degrees 41 minutes 42 seconds East along said north line 800.00 feet to the east Right of Way line of Silver Ranch Road, thence South 00 degrees 35 minutes 41 seconds West along said Right of Way line 261.37 feet, thence southeasterly 284.52 feet along a tangential curve concave to the east having a radius of 400.00 feet and a central angle of 35 degrees 50 minutes 19 seconds, thence South 34 degrees 50 minutes 38 seconds East 300.00 feet along said Right of Way line, thence South 35 degrees 00 minutes 22 seconds West 80.00 feet to the westerly Right of Way line of Silver Ranch Road, thence South 47 degrees 20 minutes 35 seconds West 463.13 feet, thence South 00 degrees 35 minutes 08 seconds West 1281.12 feet, thence South 39 degrees 41 minutes 43 seconds West 749.99 feet, thence South 42 degrees 14 minutes 31 seconds East 570.00 feet, thence South 34 degrees 08 minutes 13 seconds West 710.00 feet to the north-south quarter line of Section 19, thence North 00 degrees 35 minutes 08 seconds East 1415.00 feet, thence North 89 degrees 50 minutes 17 seconds West 2581.43 feet to the west line of Section 19, thence North 00 degrees 36 minutes 48 seconds East 695.80 feet along said west line to the southwest corner of HUBER SUBDIVISION, thence South 89 degrees 42 minutes 17 seconds East 815.32 feet to the southeast corner of Lot 6, Block 1, HUBER SUBDIVISION, thence North 00 degrees 35 minutes 21 seconds East along the east line of HUBER SUBDIVISION 779.82 feet, thence South 89 degrees 33 minutes 12 seconds East along the south line of HUBER SUBDIVISION and its extension 645.71 feet to the southeast corner of Lot 3, Block 1, HUBER SUBDIVISION, thence North 00 degrees 30 minutes 52 seconds East along the east line of HUBER SUBDIVISION 882.15 feet to the Point of Beginning. Containing 155.04 acres, more or less.

APPROVAL OF CITY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck, on the _____ day of _____, 2016, in accordance with the laws of the State of North Dakota, and subject to the City of Bismarck's regulations adopted by said Planning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning Commission of the City of Bismarck.

Wayne Lee Yeager
Chairman

Carl W. Hokenstad
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

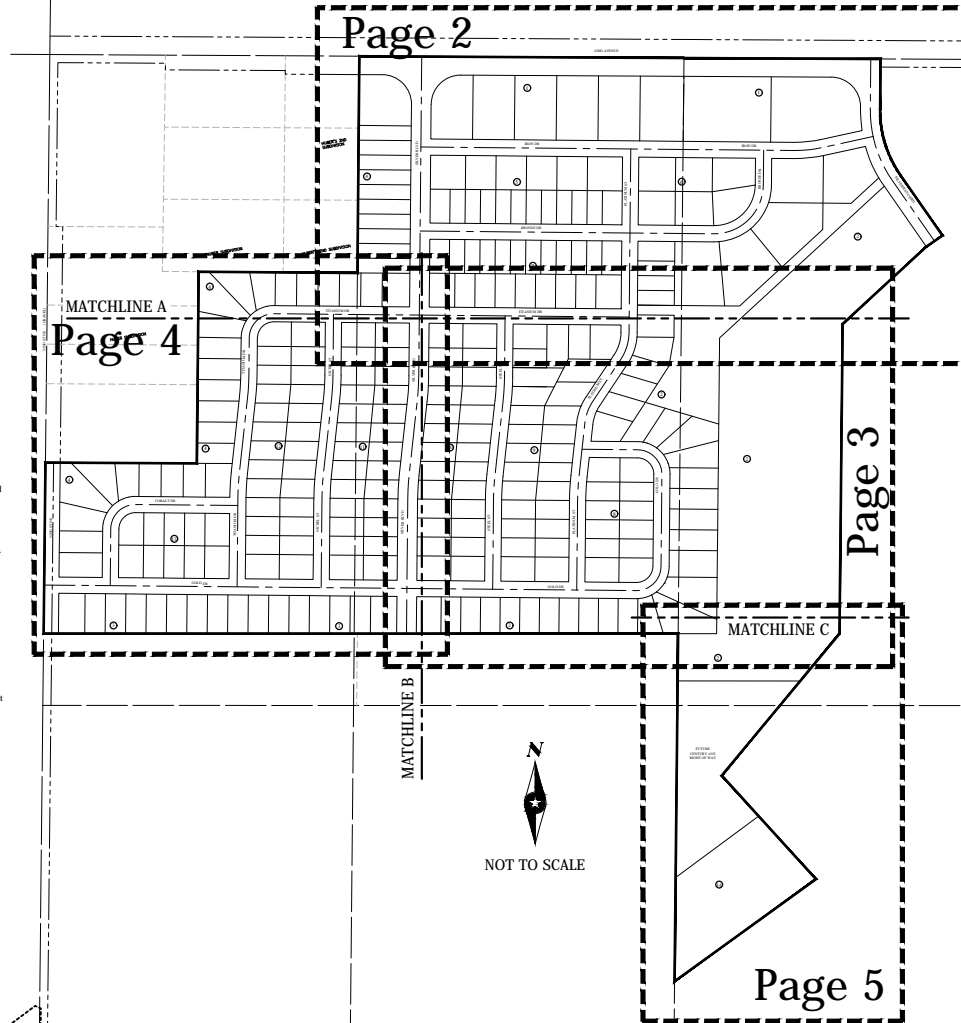
The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat and does hereby vacate any previous platting within the boundary of the annexed plat.

Keth Huake
Keth Huake, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabe Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve SILVER RANCH FIRST ADDITION, Bismarck, North Dakota, as shown on the annexed plat.

Gabe Schell - City Engineer



AREA TABULATIONS:

273 Lots	=	5,504.055 sf	119.46 Acres
Streets	=	1,549,742 sf	35.596 Acres
Total	=	6,753,797 sf	155.04 Acres
Auditor's Lot B	=	4,473,819 sf	102.71 Acres
Auditor's Lot C	=	915,281 sf	21.04 Acres
Part of E/4 of Sec 19	=	1,364,717 sf	31.32 Acres
Total	=	6,753,797 sf	155.04 Acres

LOT USE:
LOTS 10 AND 40 BLOCK 2 TO BE RESERVED FOR PUBLIC USE

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3002 (Adjusted 86)

International Units

VERTICAL DATUM:

National Geodetic Vertical Datum of 1929

HORIZONTAL DATUM:

NAD 83

OWNERS:

WW Investments, LLP
PO Box 1437
Bismarck, ND 58502

Silver Ranch 19, LLP
1117 N 3rd St
Bismarck, ND 58501

SURVEY:
February 28, 2016

SURVEYOR:

SURVEYOR'S CERTIFICATE:

I, Robert M. Hg, a Registered Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on February 28th, 2016, that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown herein are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Hg
Registered Professional Land Surveyor
License No. 15-8444

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That WW Investments, LLP, owner of the following described property:

THAT PORTION OF SILVER RANCH FIRST ADDITION CONSISTING OF AUDITOR'S LOT B OF THE EAST HALF OF THE NORTHWEST QUARTER AND GOVERNMENT LOTS 1 AND 2 OF SECTION 19 AND AUDITOR'S LOT C OF THE NORTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

Has caused the same to be surveyed and platted as SILVER RANCH FIRST ADDITION and does hereby dedicate to the public for public use the public ways, lots and easements as created by this plat and also dedicates access easements of Lots 18-20, Lots 26-28, Block 2 and Lots 3-6, Lots 17-20, Block 4 to the owners of same lots.

In witness whereof said WW Investments, LLP, has caused these presents to be signed by its proper officers this _____ day of _____, 2016.

Chad Wachter, Managing Partner

Owner of all of Silver Ranch First Addition excluding Lot 40, Block 2 and Lot 1, Block 14

Stacy Wachter, Managing Partner

Owner of all of Silver Ranch First Addition excluding Lot 40, Block 2 and Lot 1, Block 14

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Be it known on this _____ day of _____, 2016, before me personally appeared Chad Wachter and Stacy Wachter, Managing Partners, and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Silver Ranch 19, LLP, owner of the following described property:

THAT PORTION OF SILVER RANCH FIRST ADDITION BEING A PART OF THE EAST HALF OF SECTION 19, EXCLUDING AUDITOR'S LOT C THEREOF LOCATED IN TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Has caused the same to be surveyed and platted as SILVER RANCH FIRST ADDITION and does hereby dedicate to the public for public use the public ways, lots and easements as created by this plat.

In witness whereof said Silver Ranch 19, LLP, has caused these presents to be signed by its proper officers this _____ day of _____, 2016.

Nadene Silbermagel

Owner of Lot 40, Block 2 and Lot 1, Block 14

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Be it known on this _____ day of _____, 2016, before me personally appeared Nadene Silbermagel and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

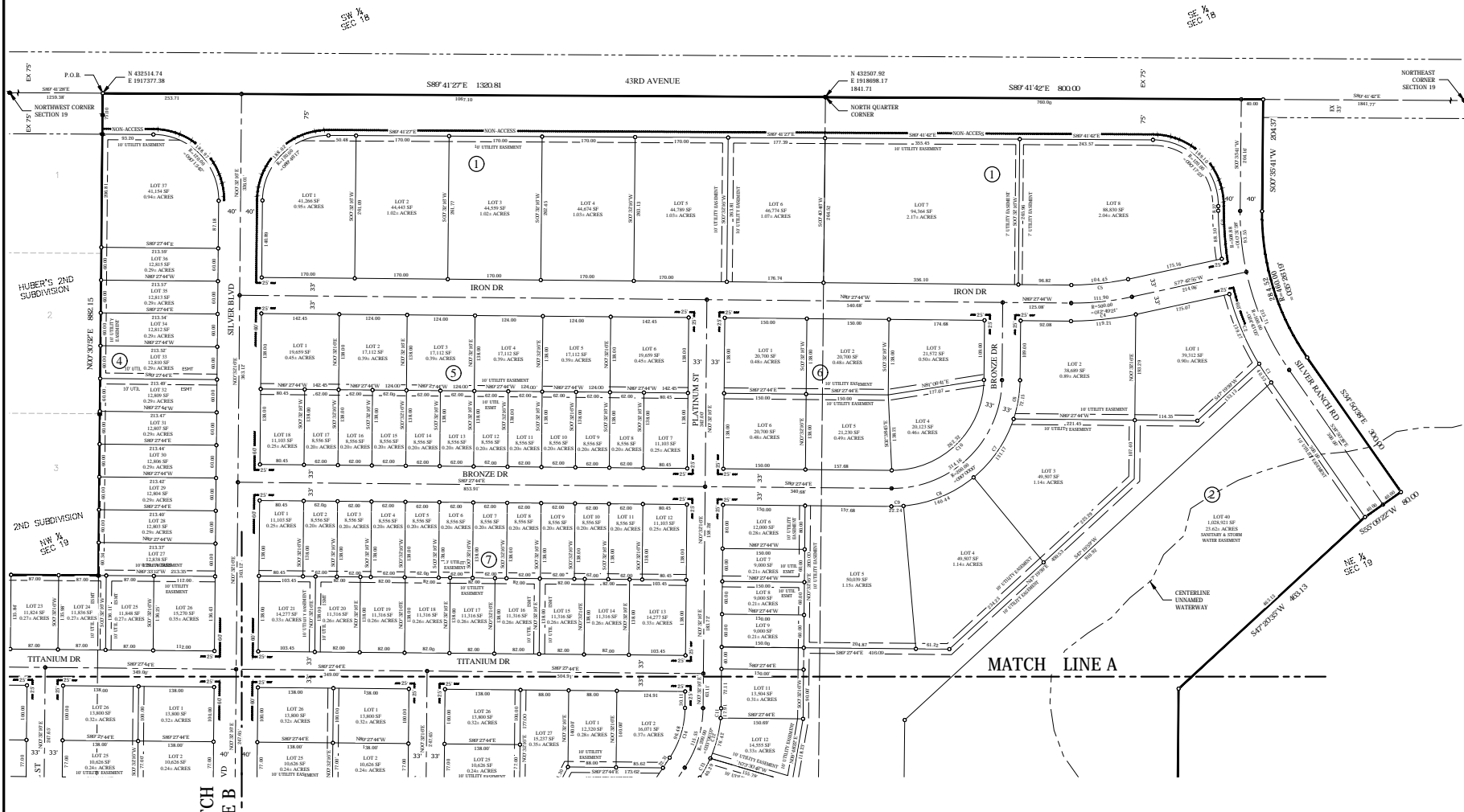
Notary Public: _____ County, North Dakota

My Commission Expires: _____



SILVER RANCH FIRST ADDITION

Auditor's Lot B of the East Half of the Northwest Quarter & Government Lots 1 and 2 and Auditor's Lot C of the Northeast Quarter of Section 19, and part of the East Half of Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian, Burleigh County, North Dakota

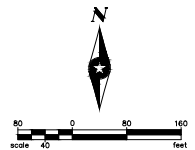


PARCEL CURVE DATA

CURVE	DELTA	RADIUS	ARC LENGTH
C1	004°46'46"	485.82'	40.53'
C2	016°25'29"	485.82'	139.27'
C3	007°13'33"	700.14'	88.30'
C4	010°48'33"	631.89'	119.21'
C5	010°48'33"	553.65'	104.45'
C6	017°44'29"	233.00'	72.15'
C7	032°15'21"	233.00'	131.17'
C8	034°32'04"	233.00'	140.44'
C9	005°28'06"	233.00'	22.24'
C10	090°00'00"	167.00'	262.32'

LEGEND:

- FOUND MONUMENT
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- ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- - - UTILITY EASEMENT
- - - ADJACENT LOT LINE
- SECTION LINE

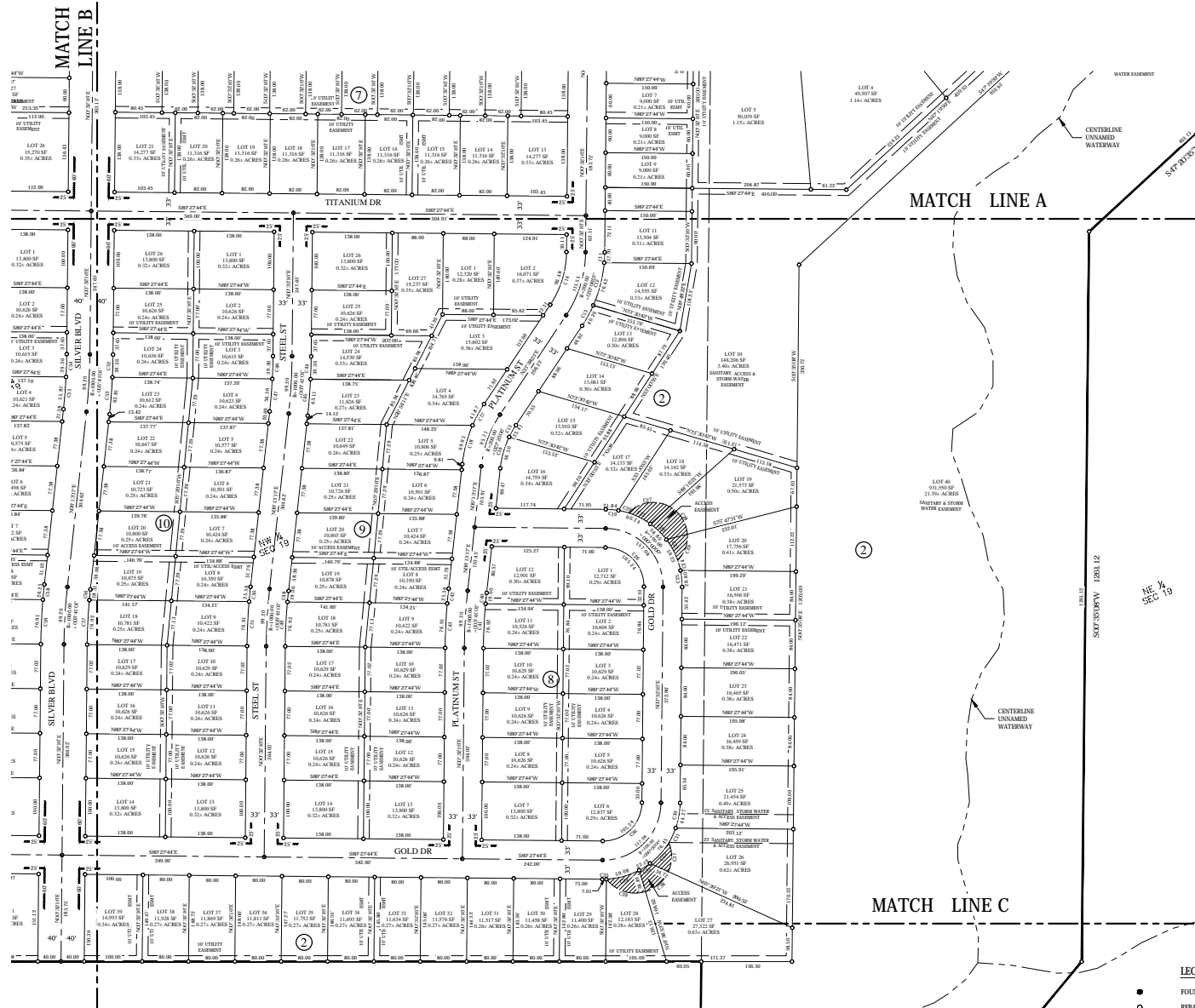


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SILVER RANCH FIRST ADDITION

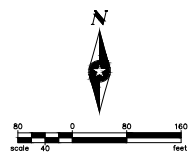
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Burleigh County, North Dakota



CURVE	DELTA	RADIUS	ARC LENGTH
C11	004°24'14"	233.00'	17.91'
C12	018°47'29"	233.00'	76.42'
C13	009°54'24"	233.00'	40.29'
C14	033°06'07"	167.00'	96.48'
C15	008°01'58"	167.00'	23.41'
C16	019°23'08"	167.00'	56.50'
C17	010°17'42"	233.00'	41.87'
C18	017°07'24"	233.00'	69.63'
C19	009°24'26"	133.00'	21.84'
C20	007°45'30"	133.00'	18.01'
C21	018°11'29"	133.00'	42.23'
C22	016°43'00"	133.00'	38.80'
C23	017°45'35"	133.00'	41.23'
C24	007°45'30"	133.00'	18.01'
C25	012°24'29"	133.00'	28.80'
C26	090°00'00"	67.00'	105.24'
C27	075°04'18"	59.00'	77.30'
C28	057°18'41"	59.00'	59.02'
C29	048°15'49"	59.00'	49.70'
C30	019°04'23"	133.00'	44.27'
C31	012°19'24"	129.37'	27.83'
C32	021°32'00"	129.37'	46.62'
C33	009°49'44"	129.37'	22.19'
C34	024°21'14"	138.98'	59.08'
C35	002°53'16"	138.98'	7.01'
C36	090°00'00"	67.00'	105.24'
C37	047°11'52"	63.00'	51.90'
C38	049°00'28"	63.00'	53.89'
C39	068°32'26"	63.00'	75.36'
C40	001°07'33"	967.00'	19.00'
C41	004°33'28"	967.00'	76.92'
C42	001°25'04"	1033.00'	25.56'
C43	004°15'57"	1033.00'	76.91'
C44	002°10'59"	1033.00'	39.36'
C45	003°30'02"	1033.00'	63.11'
C46	002°19'56"	967.00'	39.36'
C47	003°21'05"	967.00'	56.56'
C48	001°07'33"	967.00'	19.00'
C49	004°33'28"	967.00'	76.92'
C50	001°25'04"	1033.00'	25.56'
C51	004°15'57"	1033.00'	76.91'

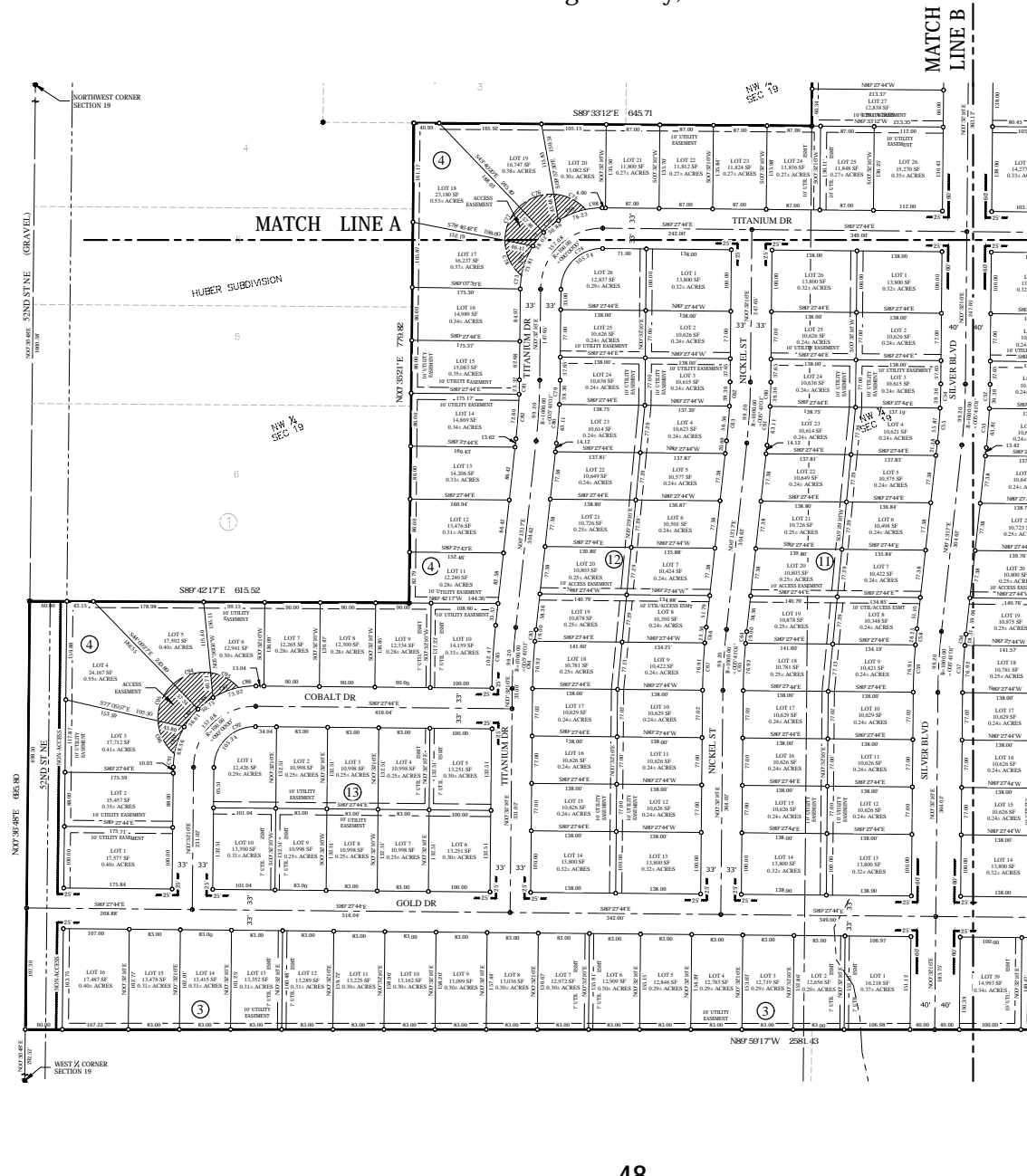
- LEGEND:**
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SILVER RANCH FIRST ADDITION

Auditor's Lot B of the East Half of the Northwest Quarter & Government Lots 1 and 2 and Auditor's Lot C of the Northeast Quarter of Section 19, and part of the East Half of Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian,

Burleigh County, North Dakota

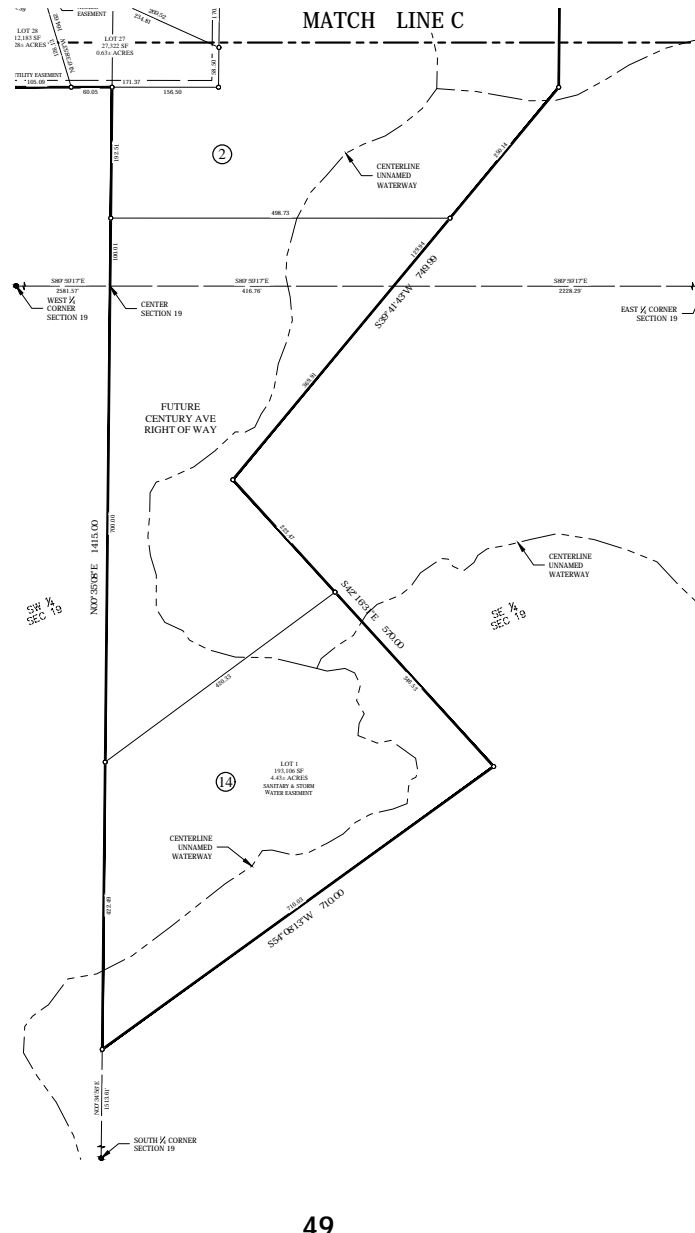


CURVE	DELTA	RADIUS	ARC LENGTH
C52	002°10'06"	1040.00'	39.36'
C53	003°30'55"	1040.00'	63.81'
C54	002°20'57"	960.00'	39.36'
C55	003°20'04"	960.00'	55.87'
C56	001°05'33"	960.00'	18.31'
C57	004°35'28"	960.00'	76.92'
C58	001°26'47"	1040.00'	26.25'
C59	004°14'14"	1040.00'	76.91'
C60	002°10'59"	1033.00'	39.36'
C61	003°30'02"	1033.00'	63.11'
C62	002°19'56"	967.00'	39.36'
C63	003°21'05"	967.00'	56.56'
C64	001°07'33"	967.00'	19.00'
C65	004°33'28"	967.00'	76.92'
C66	001°25'04"	1033.00'	25.56'
C67	004°15'57"	1033.00'	76.91'
C68	012°12'12"	133.00'	28.33'
C69	020°38'09"	133.00'	47.90'
C70	013°17'37"	133.00'	30.86'
C71	012°04'11"	133.00'	28.02'
C72	022°26'38"	133.00'	52.10'
C73	009°21'12"	133.00'	21.71'
C74	090°00'00"	67.00'	105.24'
C75	045°01'07"	75.00'	58.93'
C76	046°57'58"	75.00'	61.48'
C77	046°28'58"	75.00'	60.85'
C78	049°55'54"	75.00'	65.36'
C79	002°10'59"	1033.00'	39.36'
C80	003°30'02"	1033.00'	63.11'
C81	001°22'55"	967.00'	23.32'
C82	004°18'06"	967.00'	72.60'
C83	001°07'33"	967.00'	19.00'
C84	004°33'28"	967.00'	76.92'
C85	005°41'01"	1033.00'	102.47'
C86	012°12'12"	133.00'	28.33'
C87	019°15'20"	133.00'	44.70'
C88	013°14'12"	133.00'	30.73'
C89	015°46'21"	133.00'	36.61'
C90	020°10'44"	133.00'	46.84'
C91	009°21'15"	133.00'	21.71'
C92	090°00'00"	67.00'	105.24'
C93	040°11'59"	75.00'	52.62'
C94	049°36'25"	75.00'	64.94'
C95	051°31'03"	75.00'	67.44'
C96	047°04'31"	75.00'	61.62'

SILVER RANCH FIRST ADDITION

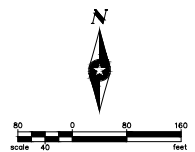
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Burleigh County, North Dakota



LEGEND:

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- ⊙ ROADWAY POINT
- PLAT BOUNDARY
- - - NON ACCESS LINE
- - - UTILITY EASEMENT
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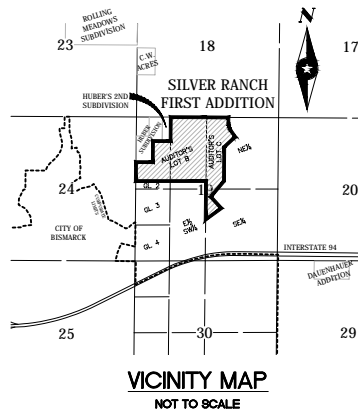


SEH

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SILVER RANCH FIRST ADDITION

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Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian,
City of Bismarck, Burleigh County, North Dakota



DESCRIPTION:

SILVER RANCH ADDITION consisting of Lots 1 through 8, Block 1, Lots 1 through 33, Block 2, Lots 1 through 16, Block 3, Lots 1 through 30, Block 4, Lots 1 through 11, Block 5, Lots 1 through 15, Block 6, Lots 1 through 13, Block 7, Lots 1 through 20, Block 8, Lots 1 through 20, Block 9, Lots 1 through 20, Block 10, Lots 1 through 20, Block 11, Lots 1 through 20, Block 12 and Lots 1 through 10, Block 13 in the City of Bismarck, North Dakota, Burleigh County being a replat of Auditor's Lots B and C, and part of the East Half of Section 19, Township 139 North, Range 79 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota, and being more particularly described as follows:

Commencing at the northwest corner of Section 19;

thence South 89 degrees 41 minutes 28 seconds East along the north line of Section 19 a distance of 1250.38 feet to the Point of Beginning;

thence continuing South 89 degrees 41 minutes 27 seconds East along said north line 1320.81 feet to the north quarter corner of said Section 19;

thence South 89 degrees 41 minutes 42 seconds East along said north line 800.00 feet to the east Right of Way line of Silver Ranch Road;

thence South 00 degrees 35 minutes 41 seconds West along said Right of Way line 204.37 feet;

thence southeasterly 284.52 feet along a tangential curve to the east having a radius of 480.00 feet and a central angle of 35 degrees 50 minutes 19 seconds;

thence South 34 degrees 50 minutes 38 seconds East 300.00 feet along said Right of Way line;

thence South 55 degrees 09 minutes 22 seconds West 80.00 feet to the westerly Right of Way line of Silver Ranch Road;

thence South 47 degrees 20 minutes 34 seconds West 463.12 feet;

thence South 00 degrees 35 minutes 08 seconds West 1261.12 feet;

thence South 39 degrees 41 minutes 44 seconds West 750.00 feet;

thence South 42 degrees 16 minutes 44 seconds East 570.00 feet;

thence South 54 degrees 08 minutes 06 seconds West 710.00 feet to the north/south quarter line of Section 19;

thence North 00 degrees 35 minutes 02 seconds East 1415.00 feet;

thence North 89 degrees 59 minutes 17 seconds West 2581.43 feet to the west line of Section 19;

thence North 00 degrees 36 minutes 48 seconds East 695.80 feet along said west line to the southwest corner of HUBER SUBDIVISION;

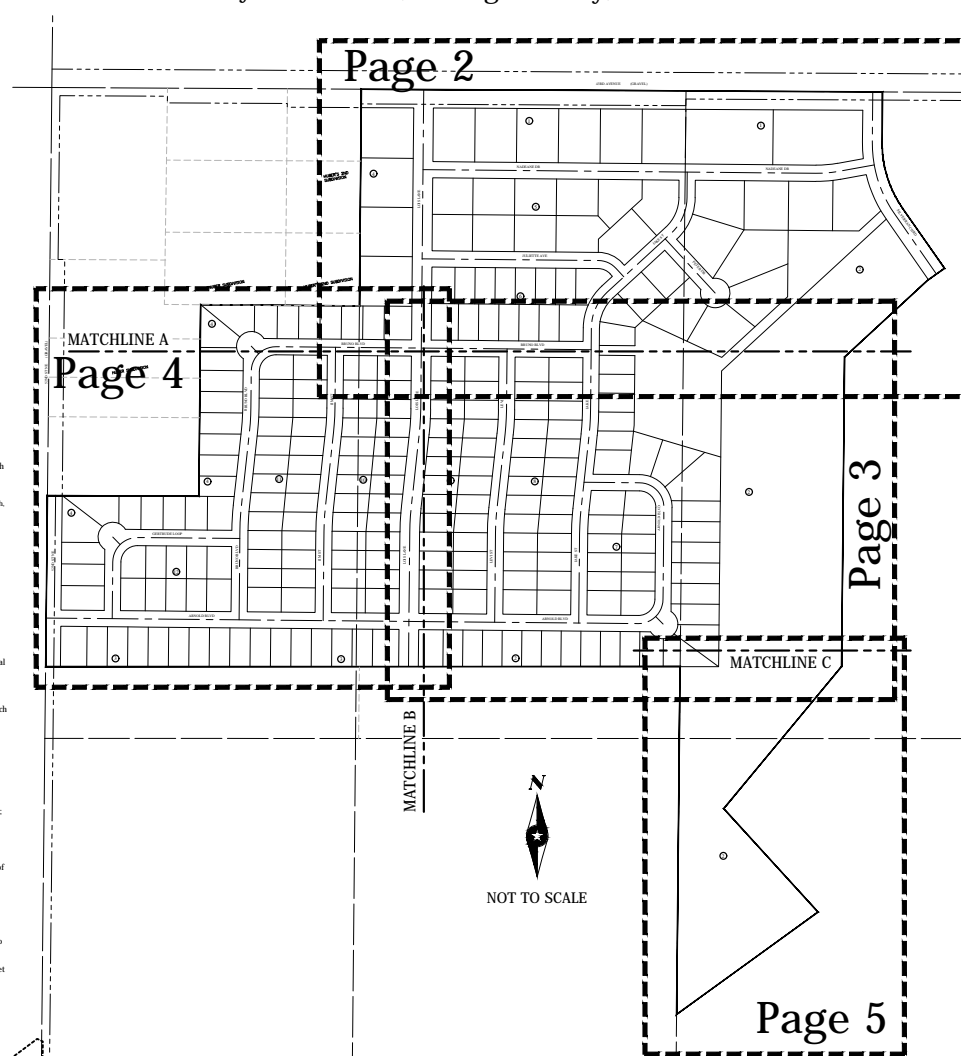
thence North 89 degrees 42 minutes 17 seconds East 615.52 feet to the southeast corner of Lot 6, Block 1, HUBER SUBDIVISION;

thence North 00 degrees 35 minutes 21 seconds East along the east line of HUBER SUBDIVISION 779.82 feet;

thence South 89 degrees 33 minutes 12 seconds East along the south line of HUBER SUBDIVISION 645.71 feet to the southeast corner of Lot 3, Block 1, HUBER 2ND SUBDIVISION;

thence North 00 degrees 30 minutes 52 seconds East along the east line of HUBER 2ND SUBDIVISION 882.15 feet to the Point of Beginning. Containing 150.00 acres, more or less.

Subject to all prior conveyances, easements and rights of way of record.



AREA TABULATIONS:

288 Lots	=	5,349.022 sf	122.90 Acres
Streets	=	1,492.583 sf	32.28 Acres
Total	=	6,751.605 sf	155.00 Acres
Auditor's Lot B	=	4,473.819 sf	102.71 Acres
Auditor's Lot C	=	915.281 sf	21.04 Acres
Part of E½ of Sec 19	=	1,362.525 sf	31.25 Acres
Total	=	6,751.605 sf	155.00 Acres

LOT USE:

LOTS 8 & 33 BLOCK 2 TO BE RESERVED FOR PUBLIC USE

NOTES:

DUE TO WINTER SITE CONDITIONS, NO WETLAND DETERMINATIONS HAVE BEEN COMPLETED. A SITE REVIEW WILL BE COMPLETED BEFORE FINAL PLAT SUBMITTAL.

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 North Zone
International Units

VERTICAL DATUM:

National Geodetic Vertical Datum of 1929

OWNERS:

Investcorp, INC.
PO Box 1437
Bismarck, ND 58502

Silver Ranch LLP
1117 N 3rd St
Bismarck, ND 58501

SURVEYOR:

SEH
4719 Shellburne St, Suite 6
Bismarck, ND 58503-5677

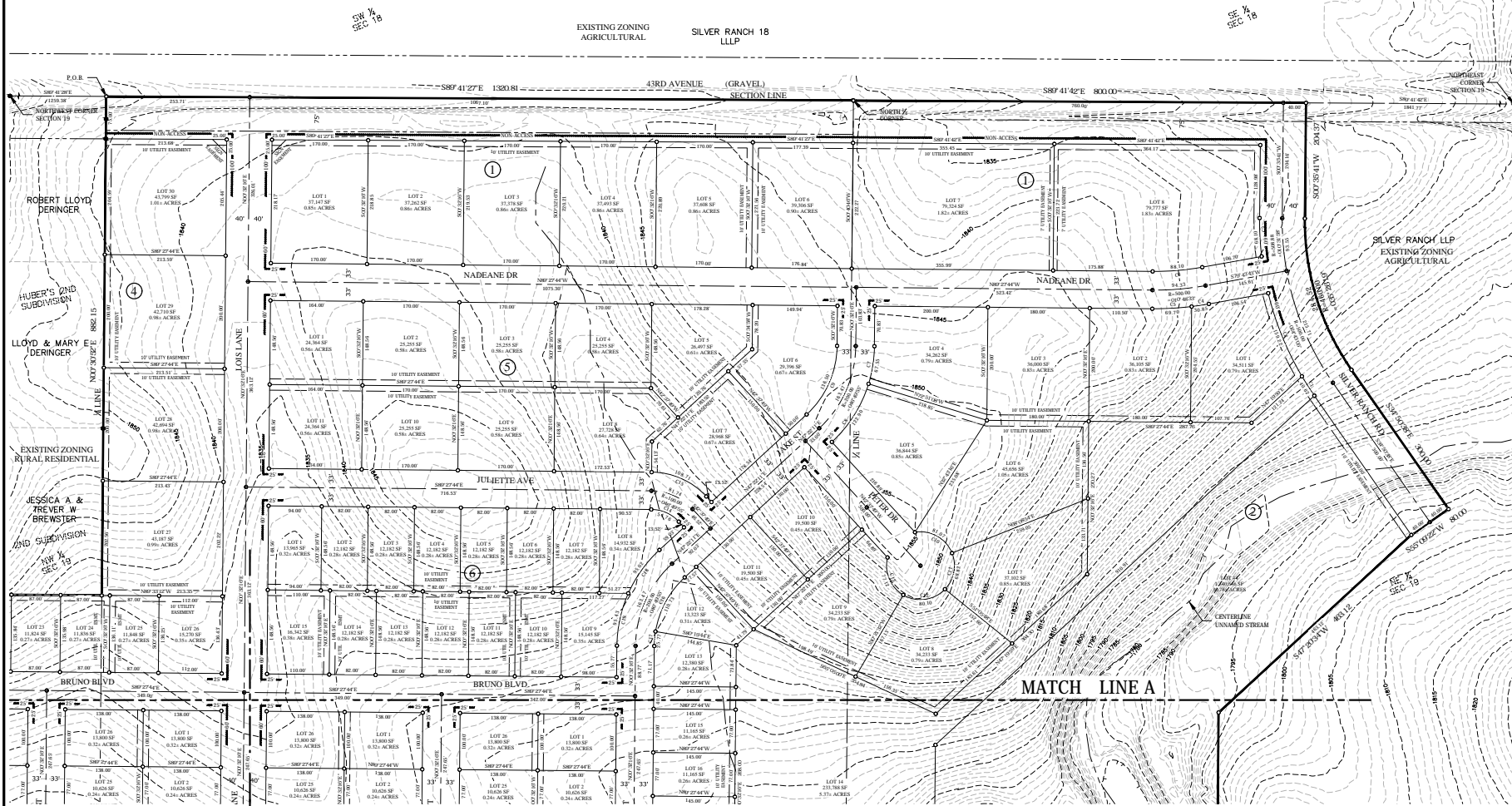
SURVEYED:

February 28, 2016



SILVER RANCH FIRST ADDITION

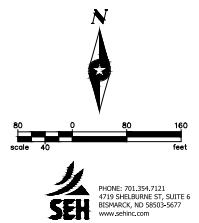
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City of Bismarck, Burleigh County, North Dakota



PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C1	004°18'37"	540.00'	40.62'
C2	016°53'37"	540.00'	159.22'
C3	007°13'33"	540.00'	68.10'
C4	003°19'00"	533.00'	30.85'
C5	007°29'33"	533.00'	69.70'
C6	010°48'33"	467.00'	88.10'
C7	016°36'37"	233.00'	67.55'
C8	030°13'19"	233.00'	122.90'
C9	046°49'55"	167.00'	136.50'
C10	077°24'41"	60.00'	81.07'

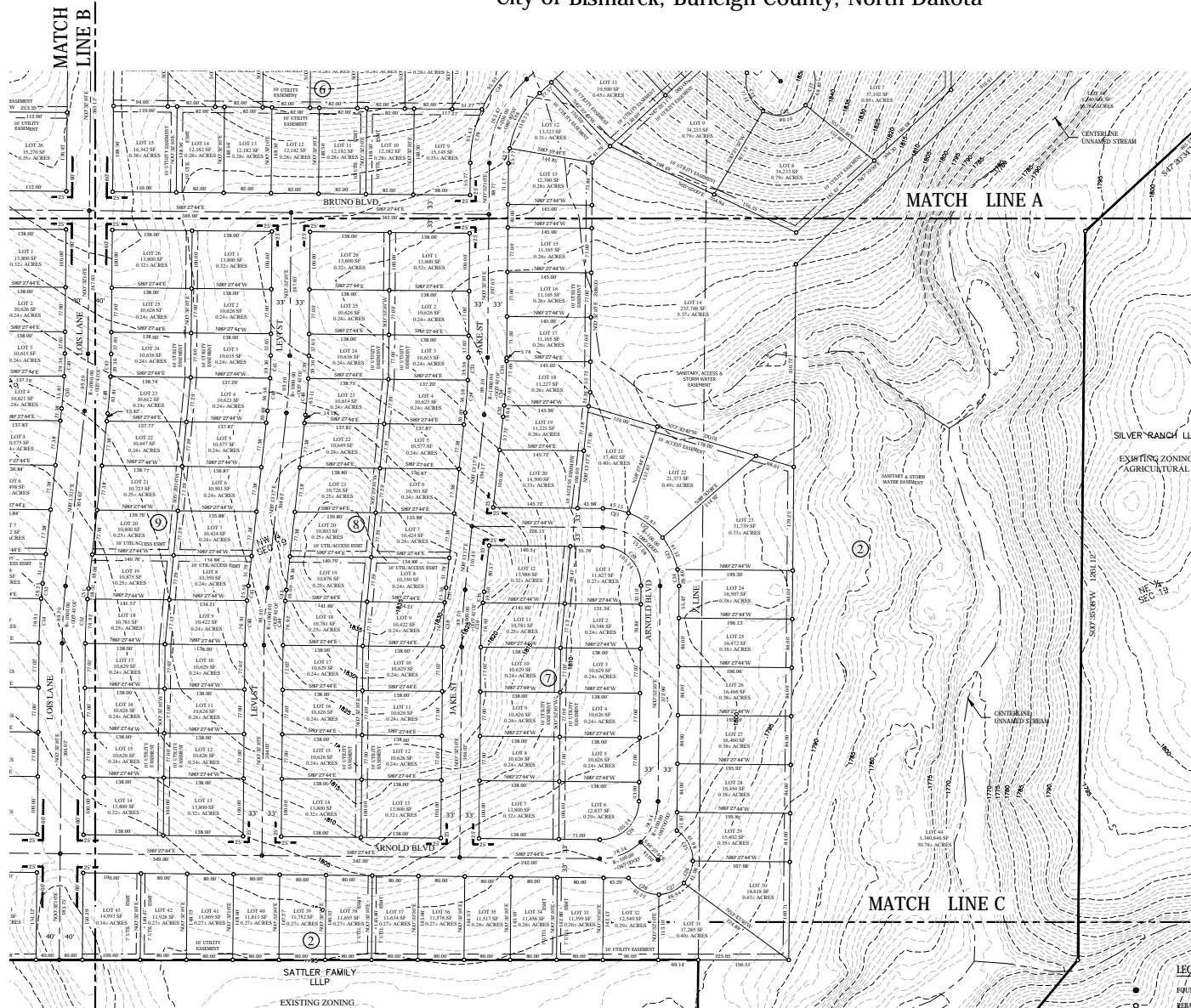
PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C11	065°42'58"	60.00'	68.82'
C12	076°29'40"	60.00'	80.10'
C13	073°38'38"	60.00'	77.12'
C14	046°49'55"	67.00'	54.76'
C15	046°49'55"	133.00'	108.71'
C16	037°59'30"	167.00'	110.73'
C17	008°50'25"	167.00'	25.77'
C18	023°21'53"	233.00'	95.02'
C19	023°28'02"	233.00'	95.43'

LEGEND:
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 ADJACENT LOT LINE
 SECTION LINE
 STREAM CENTERLINE



SILVER RANCH FIRST ADDITION

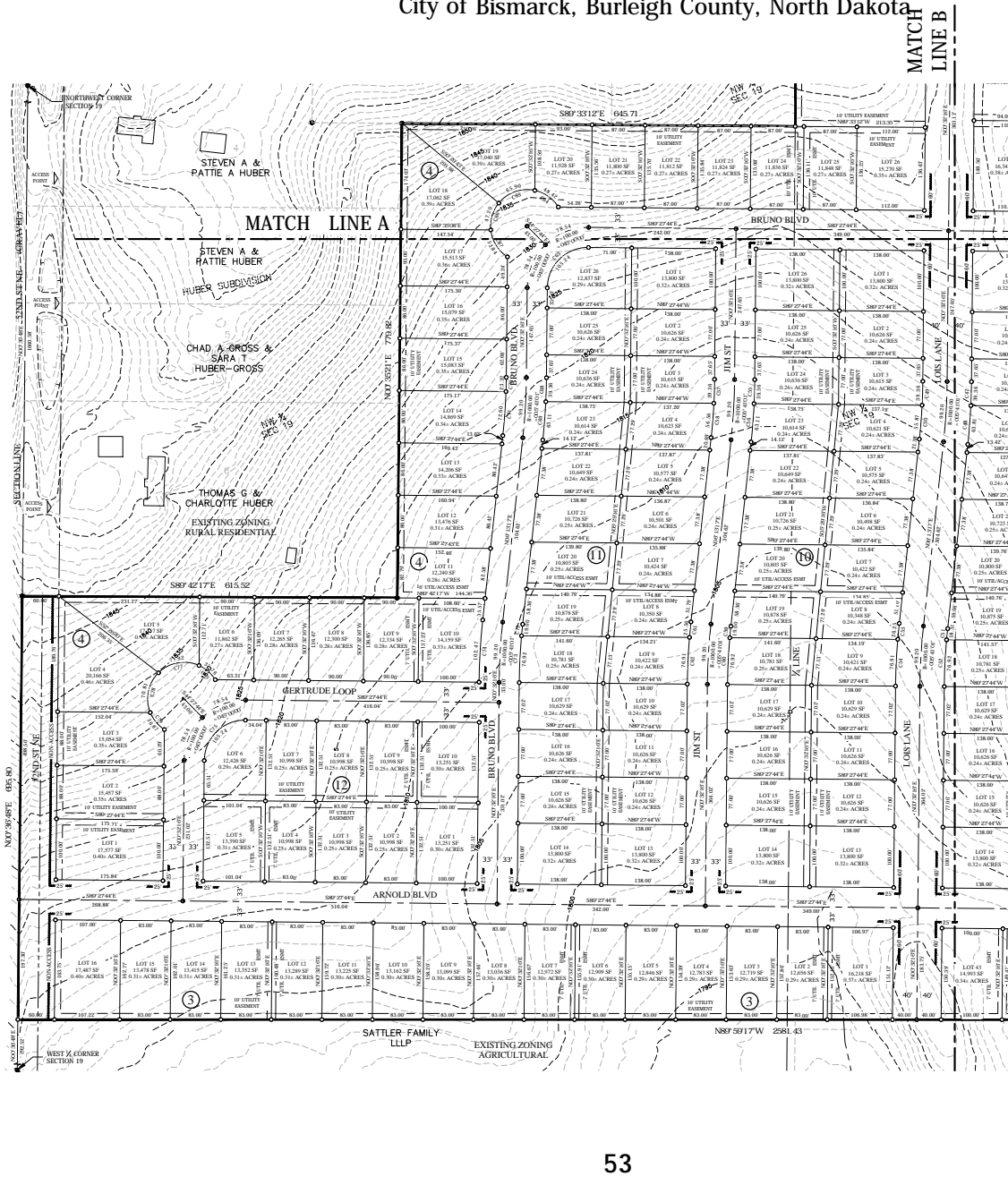
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CURVE	DELTA	RADIUS	ARC LENGTH
C20	090°00'00"	67.00'	105.24'
C21	019°28'56"	133.00'	45.15'
C22	031°38'30"	133.00'	73.45'
C23	026°30'06"	133.00'	61.52'
C24	012°24'29"	133.00'	28.80'
C25	059°11'03"	60.00'	61.98'
C26	040°10'55"	60.00'	42.08'
C27	046°44'10"	60.00'	48.94'
C28	059°41'53"	60.00'	62.52'
C29	090°00'00"	67.00'	105.24'
C30	004°16'33"	1033.00'	77.09'
C31	004°16'33"	1033.00'	77.09'
C32	001°05'21"	1033.00'	19.64'
C33	002°19'56"	967.00'	39.36'
C34	003°21'05"	967.00'	56.56'
C35	001°07'33"	967.00'	19.00'
C36	004°33'28"	967.00'	76.92'
C37	001°25'04"	1033.00'	25.56'
C38	004°15'57"	1033.00'	76.91'
C39	002°10'59"	1033.00'	39.36'
C40	003°30'02"	1033.00'	63.11'
C41	002°19'56"	967.00'	39.36'
C42	003°21'05"	967.00'	56.56'
C43	001°07'33"	967.00'	19.00'
C44	004°33'28"	967.00'	76.92'
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C46	004°15'57"	1033.00'	76.91'

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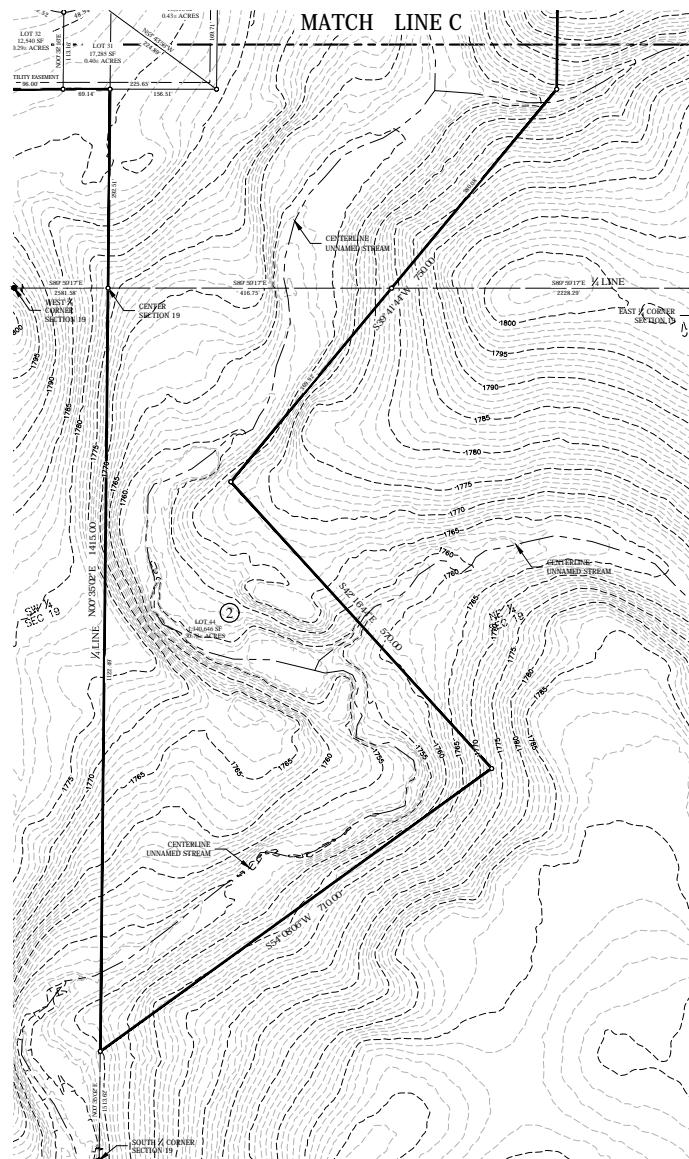
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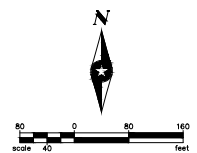
CURVE	DELTA	RADIUS	ARC LENGTH
C47	002°10'06"	1040.00'	39.36'
C48	003°30'55"	1040.00'	63.81'
C49	002°20'57"	960.00'	39.36'
C50	003°20'04"	960.00'	55.87'
C51	001°05'33"	960.00'	18.31'
C52	004°35'28"	960.00'	76.92'
C53	001°26'47"	1040.00'	26.25'
C54	004°14'14"	1040.00'	76.91'
C55	002°10'59"	1033.00'	39.36'
C56	003°30'02"	1033.00'	63.11'
C57	002°19'56"	967.00'	39.36'
C58	003°21'05"	967.00'	56.56'
C59	001°07'33"	967.00'	19.00'
C60	004°33'28"	967.00'	76.92'
C61	001°25'04"	1033.00'	25.56'
C62	004°15'57"	1033.00'	76.91'
C63	090°00'00"	67.00'	105.24'
C64	046°14'23"	60.00'	48.42'
C65	062°55'43"	60.00'	65.90'
C66	045°04'10"	60.00'	47.20'
C67	051°24'46"	60.00'	53.84'
C68	002°10'59"	1033.00'	39.36'
C69	003°30'02"	1033.00'	63.11'
C70	001°22'55"	967.00'	23.32'
C71	004°18'06"	967.00'	72.60'
C72	001°07'33"	967.00'	19.00'
C73	004°33'28"	967.00'	76.92'
C74	005°41'01"	1033.00'	102.47'
C75	090°00'00"	67.00'	105.24'
C76	034°08'56"	60.00'	35.76'
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C79	035°12'25"	60.00'	36.87'

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BISMARCK, ND 58105-5677
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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

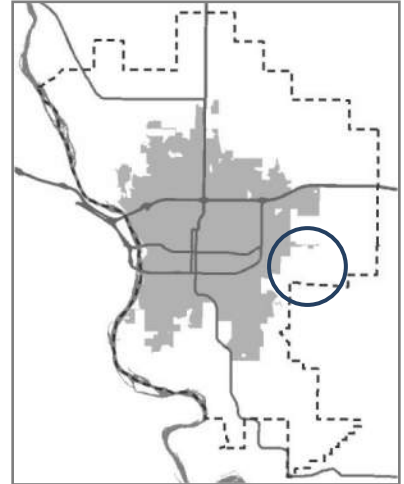
Agenda Item # 8
August 24, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-007

Project Summary

Title:	Lot 8, Block 2, Golden Heights Subdivision (7900 Viking Drive)
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Richardt Schock
Project Contact:	Richardt Schock
Location:	Southeast of Bismarck, between County Highway 10 and Apple Creek Road, west of 80th Street SE, along the north side of Viking Drive.
Project Size:	3.011 acres
Request:	Increase the total area of accessory buildings to 3,024 square feet by constructing a 1,440 square foot addition to the existing accessory building.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	1 lot in 1 block
Land Use:	Rural residential	Land Use:	Rural residential
Designated GMP	Conventional Rural Residential	Designated GMP	Conventional Rural Residential
Future Land Use:		Future Land Use:	
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	05/2003	Platted:	06/2003	Annexed:	N/A
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Staff Analysis

Section 14-03-06 of the City Code of Ordinances (Incidental Uses) limits the maximum area of accessory buildings for a lot of this size located in the RR – Residential zoning district to 2,400 square feet. However, the total area of accessory buildings may be increased to a maximum area of 3,200 square feet provided a special use permit is approved by the Planning and Zoning Commission.

The applicant is proposing to construct a 1,440 square foot addition to an existing 1,584 square foot accessory building. If approved as proposed, the total area of accessory buildings located on the property would be increase to 3,024 square feet.

Required Findings of Fact

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for Lot 8, Block 2, Golden Heights Subdivision to increase the total area of accessory buildings located on the property up to 3,024 square feet.

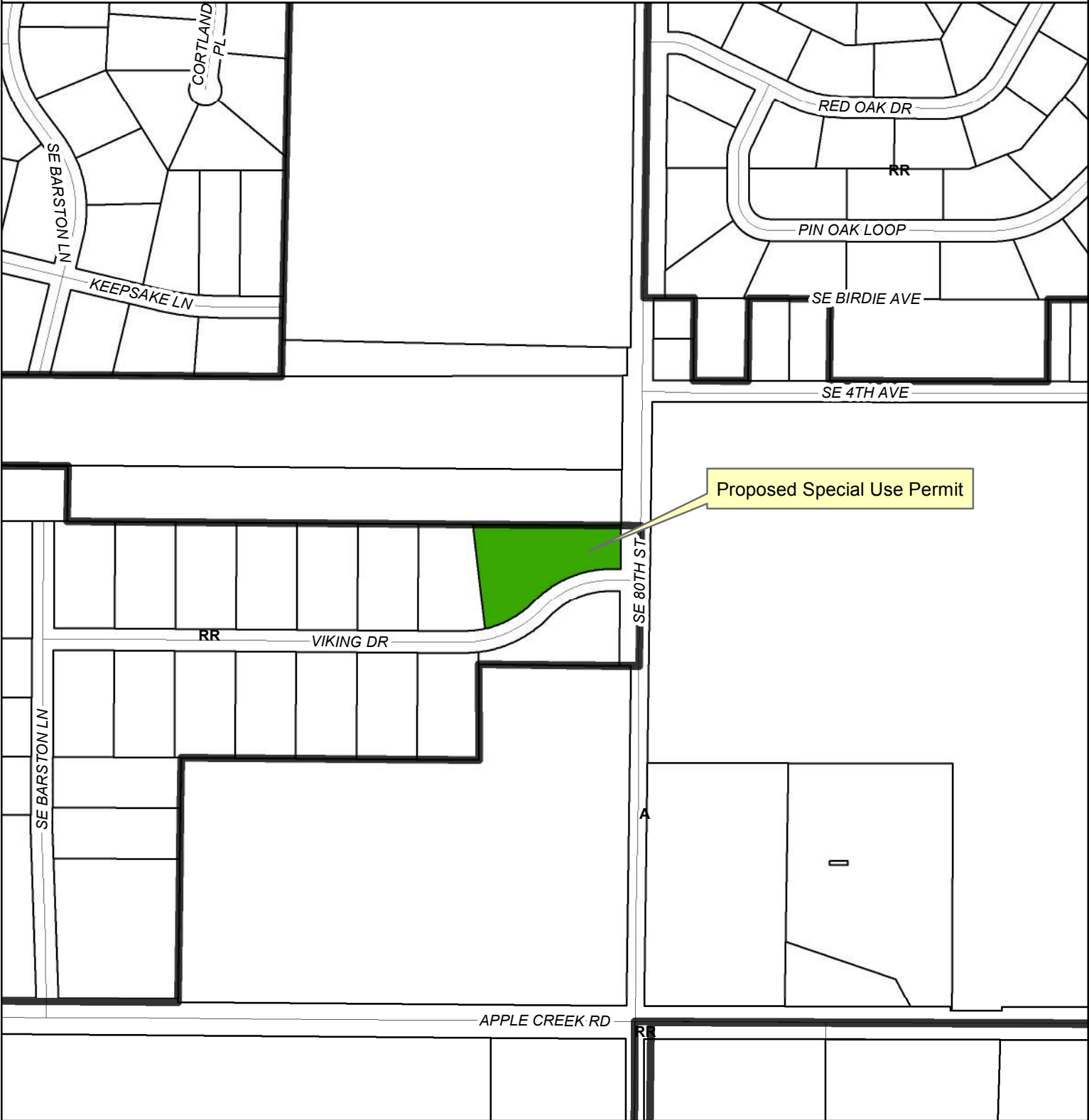
Attachments

1. Location Map
2. Site Plan

Staff report prepared by: Jenny Wollmuth, CFM Planner
701-355-1845 | jwollmuth@bismarcknd.gov

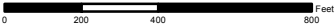
Will Hutchings, Planner
701-355-1850 | wutchings@bismarcknd.gov

Proposed Special Use Permit
Lot 8, Block 2, Golden Heights Subdivision

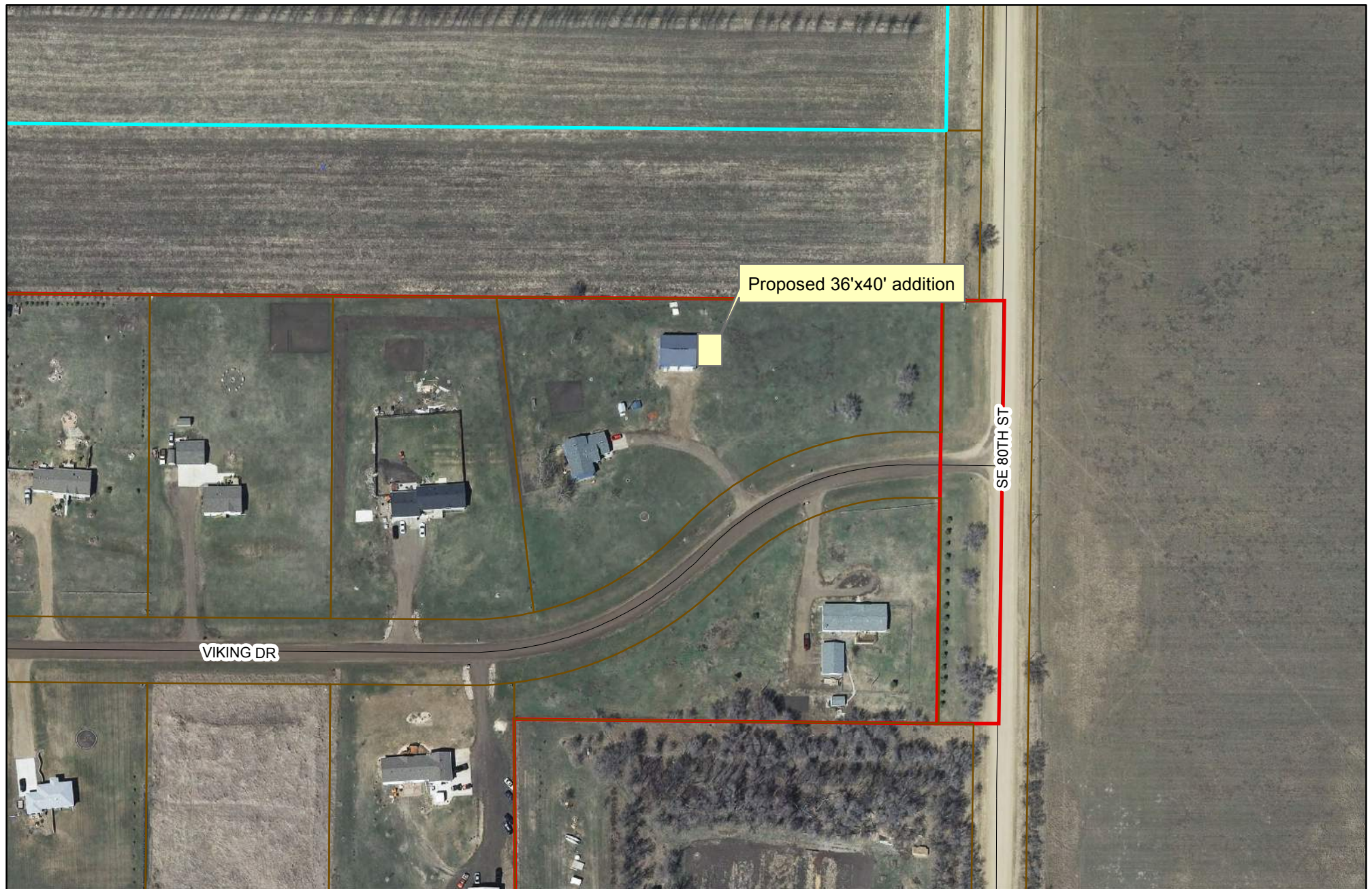


August 3, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



**7900 Viking Drive (Special Use Permit)
Lot 8, Block 2, Golden Heights Subdivision**



Date: 8/8/2016

0 70 140 280 420 560 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

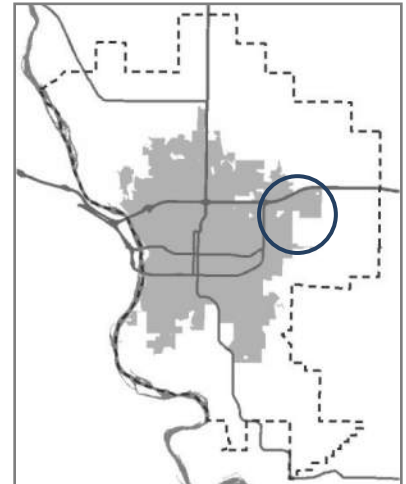
Agenda Item # 9
August 24, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-003

Project Summary

<i>Title:</i>	The NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Joseph and Peggy Holzer
<i>Project Contact:</i>	Peggy Holzer
<i>Location:</i>	East of Bismarck, north of County Highway 10, between 80th Street NE and 93rd Street NE, along the south side of 17th Avenue NE.
<i>Project Size:</i>	40 acres
<i>Request:</i>	Increase the total area of accessory buildings to 7,500 square feet by constructing a new accessory building on the property.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Agriculture	<i>Land Use:</i>	Agriculture
<i>Designated GMP</i>	Urban Reserve	<i>Designated GMP</i>	Urban Reserve
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	A – 1 unit / 40 acres

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

A special use permit to increase the total size of accessory buildings on this property to 7,000 square

feet was approved by the Planning and Zoning Commission at their meeting of April 27, 2016.

(continued)

Upon submittal of a building permit for the proposed accessory building, it was discovered that the existing accessory building is 2,560 square feet, not 2,000 square feet which was originally indicated. There is also an approximately 540 square foot three-sided roofed accessory building that provides shelter to horses on the property. The applicant has indicated that this building will be demolished or removed prior to obtaining a building permit for the new accessory building.

The applicant is proposing to construct an accessory building no larger than 4,940 square feet. If approved the total area of accessory buildings located on this property would be 7,500 square feet.

Section 14-03-06 of the City Code of Ordinances (Incidental Uses) limits the maximum area of accessory buildings for a lot of this size located in the A – Agriculture zoning district to 4,000 square feet. However, the total area of accessory buildings may be increased to a maximum area of 7,500 square feet provided a special use permit is approved by the Bismarck Planning and Zoning Commission.

Required Findings of Fact

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an oversized building that would increase the total area of accessory buildings on the property up to 7,500 square feet on the NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township.

Attachments

1. Location Map
2. Site Plan

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Special Use Permit
The NE1/4 of the NW1/4 of Section 33 less the right-of-way
T139N-R79W/Gibbs Township



June 15, 2015 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 335 670 1,340 Feet



**NE1/4 of the NW1/4 of Section 33 less the right-of-way
T139N-R79W/Gibbs Township (8445 17th Avenue NE)**



Date: 8/10/2016

0 65 130 260 390 520 Feet

This map is for representational use only and does not represent a survey. ⁶² No liability is assumed as to the accuracy of the data delineated hereon.



BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 27, 2016

The Bismarck Planning & Zoning Commission met on July 27, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Gabe Schell, Ken Selzler, Mike Seminary and Wayne Yeager. Commissioner Brian Bitner participated via telephone.

Commissioners Mike Donahue, Vernon Laning, Doug Lee and Mike Schwartz were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Will Hutchings – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney, Brady Blaskowski – Building Official and Charlie Whitman – City Attorney.

Chairman Yeager introduced William Hutchings as the new planner for the City of Bismarck. Mr. Hutchings said he is originally from Montana and has a background in architecture. He said he has worked in this region most recently as a transportation planner for the Bismarck-Mandan Metropolitan Planning Organization (MPO) until accepting this position.

MINUTES

Chairman Yeager called for consideration of the minutes of the June 22, 2016 meeting.

MOTION: Commissioner Atkinson made a motion to approve the minutes of the June 22, 2016 meeting as presented. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. COTTONWOOD PARKVIEW ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. MEMORY 1ST ADDITION – FUTURE LAND USE PLAN AMENDMENT, ZONING CHANGE AND PRELIMINARY PLAT**
- C. MDU RESOURCES NORTHWEST ADDITION – PRELIMINARY PLAT**
- D. WOODLAND THIRD SUBDIVISION – PRELIMINARY PLAT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Cottonwood Parkview Addition – Zoning Change and Preliminary Plat

- B. Memory 1st Addition – Future Land Use Plan Amendment, Zoning Change and Preliminary Plat
- C. MDU Resources Northwest Addition – Preliminary Plat
- D. Woodland Third Subdivision – Preliminary Plat

Chairman Yeager clarified that the staff recommendation for item C, a preliminary plat for MDU Resources Northwest Addition, should be tentative approval, not schedule a hearing as indicated on the agenda.

MOTION: Commissioner Atkinson made a motion to approve consent agenda items A, B, C and D, granting tentative approval or calling for public hearings on the items as recommended by staff. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Hay Creek Township Supervisor Dave Pearce joined the meeting at this time.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT KOCH CREEK COMMERCIAL SUBDIVISION

Chairman Yeager called for the public hearing on the final plat and the zoning change from the A-Agriculture zoning district to the CG-Commercial zoning district for Koch Creek Commercial Subdivision. The proposed plat includes two lots in one block on 8.56 acres and is located north of Bismarck, between US Highway 83 and North Washington Street, along the north side of ND Highway 1804 (being a plat of Auditor's Lot 2 of Auditor's Lot B in the W1/2 of the SE1/4, Section 4, T139N-R80W/Hay Creek Township).

Ms. Wollmuth gave an overview of the requests, including the following findings for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The Hay Creek Township Board of Supervisors has recommended conditional approval of the proposed zoning change.
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan (FARMP), as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
9. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A-Agriculture zoning district to the CG-Commercial zoning district and approval of the final plat for Koch Creek Commercial Subdivision, including a waiver to delay the paving of the of the roadways within the plat until the electrical substation located on Lot 1, Block 1 is completed.

Chairman Yeager opened the public hearing.

Commissioner Schell said he has noticed there has been activity on this site and asked if that should be allowed prior to approval of the plat and zoning change. Ms. Wollmuth replied this location is in the extra-territorial area (ETA) so staff has been working closely with the County Engineer, who did approve a development permit, however, work is being done under this permit, but in advance of approval of the plat and zoning change, at the risk of the developer.

Shelly Hagel, 532 Highridge Drive, said she feels there was not enough notice given to the neighboring owners regarding these changes and asked if a substation is restricted to any particular zoning districts.

Chairman Yeager said substations are a permitted use in all zoning districts because they are a necessity for all types of development.

Ms. Hagel asked what this substation will provide power to and said there is already one a mile away in either direction. She said she does not feel this is appropriate next to the existing agricultural uses and rural single-family homes. She said she would like to know of commercial zoning would be ok on just one of the proposed lots with the other still zoned agricultural.

Ms. Wollmuth said neighbors within a quarter of a mile were notified, as is the procedure with Planning Commission public hearings, 10 days prior to the meeting. She said the Future Land Use Plan (FLUP) identifies this area as commercial, which could include neighborhood commercial uses. She said staff would expect the development to be similar to what is along US Highway 83 now.

Ms. Hagel said there is such a large residential area nearby and health and safety are concerning, especially once the road is developed and connected. She said she is also concerned the proposed holding pond will smell bad and attract mosquitoes.

Chairman Yeager said that pond would be there for large event runoff and would have to be able to drain within 48 hours through a specifically designed stormwater piping system.

Ms. Hagel said the commercial zoning district is very broad and asked if a neighborhood commercial zoning district would be more appropriate.

Ms. Wollmuth said uses allowed in the proposed CG-Commercial zoning district are health and medical, education, retail and things like offices and banks. She said because the FLUP identifies this area as commercial, the proposed zoning district is appropriate in this location.

Ms. Hagel said because they do not live in City limits they cannot vote for the City Commissioners and she feels the timing of this request is odd having just had an election and so many boards having to approved these requests. She said she would like to see the notification process change so people are informed of these changes sooner.

Eric Poppinga, Central Power, said a comprehensive study was completed in 2014 of the transmission and distribution substation system for Bismarck exposure at the Ward and US Highway 83 substations. He said one problem discovered is insufficient distribution exits to provide enough power for the surrounding commercial and residential needs. He said they run into problems after utility companies consolidate and the window of opportunity for operation becomes very small. He said there is a gap between the existing stations and what is actually available and the study also showed this area to be at capacity for electricity. He said they did look at placing it further to the east but with that area having had a 100-year flood event, it was not an option. He said it physically would not fit in the area north of the church because of the coulee so the owner of this property was then approached. He said some work was done prior to approval of the development permit and they understand that is at the risk of the developer, but their County legal requirements are that the road bed needs to be placed, inspected and approved before the final plat is recorded. He said they do not like to operate that way and they admire the requirements of needing a road before a warranty deed is given. He said they work closely with Capital Electric and regular site visits and maintenance is a monthly requirement as well as inspections after major storm events. He said if there is a lightning strike detected, a signal is sent with a report, as well as in the event of breaker or fuse trips, and those are then investigated as well.

Chairman Yeager asked if the stormwater plans are running accordingly with the requirements of the City. Commissioner Schell said they are and that there is a backup area within the property proposed to retain and drain similar to the current conditions. He said the proposed pond is not a regional pond, so even in the event of a large rainfall, it would probably drain in a few hours.

Mr. Pearce asked what the development plans are for Lot 2 of the proposed subdivision. Mr. Poppinga said the plan was to convey that property to Central Power as well, but it was later decided to remain in the ownership of the current owner, Mr. Koch.

Ms. Hagel asked if multi-family residential housing would be allowed on Lot 2 since it is only four acres and said it should not be part of the approval until the owner knows what their plan for development is. She asked if having that lot be CG-Commercial will make the surrounding agricultural property more likely to become zoned that way as well.

Chairman Yeager asked how much urgency there is in getting the approval of these requests in place. Mr. Poppinga said the urgency is fairly great as the systems to the east and west are

not designed to carry the other's load in the event one of them fails. He said with the development of the property and the road they are looking at approximately a \$7 million investment and they are required to submit construction plans a year in advance.

Wilton Kuehn, 531 Highridge Drive, asked if the residents have any real influence on where these substations can be placed. Ms. Lee said they are allowed in all zoning districts because they are a necessity to existing and future development.

Mr. Kuehn said do not object to new development but they would rather not see multi-family and commercial uses in this location.

Mr. Poppinga explained that the connections for the substation would be along the west edge of the property line and exit to the southeast where it would then travel south over Highway 1804 to a source that runs east and west along the south side of the highway. He said they will be all underground connections, except for the transmission lines within the lot.

Ms. Hagel said she does have some signatures petitioning against these requests and would like those to be considered or for the requests to be continued to allow more time for questions to be answered. Secretary's note: A copy of the petition and original signatures has not been provided to the Community Development Department.

Additional written comments in opposition to these requests are attached as Exhibits A and B.

There being no further comments, Chairman Yeager closed the public hearing.

Mr. Pearce said with these being requests in the ETA, decisions need to be made between the City, Burleigh County and Hay Creek Township. He said that requires a lot of planning and with the timing of the preliminary plat and the township meetings, things can get delayed. He said they would like to solicit input more as a township, but many of the resources they need to do that are just not in place at this time. He said they trusted the development plans so the resolution for this request was passed at the last township meeting and sent back to the Planning and Zoning Commission, knowing a public hearing would then be held. He said Hay Creek Township did request the road development and setback requirements as well as a landscape buffer zone and this is the first he has heard of any opposition from the neighbors. He said they went with the information received from City staff and had these concerns been known sooner, they definitely would have been taken into consideration.

Chairman Yeager said the recommendation of any township is taken very seriously and it seems most of the concern at this time is of the development plans for Lot 2.

Ms. Wollmuth said to help alleviate the neighborhood concerns, a condition could be placed on the proposed zoning change that would prohibit the development of Lot 2, until the lot is annexed and municipal services are in place.

Commissioner Seminary said he understands the concerns that come with substations and in the case, what the use of the other lot will be in the future. He said the City of Bismarck updated their FLUP in 2014 with a process that included input from many boards and commissions, brokers and contractors as well as a series of meetings and public input opportunities. He said it was approximately a 10-month process before the general footprint was established based on all of the input received.

Commissioner Bitner said the Burleigh County Commission was aware of the substation request and saw it as a necessary good to the public because of the need for electricity. He said their position is for residents to have sufficient energy when needed and he understands the general concerns associated with these requests. He said as far as the notification process goes, there is only so much that can be done with the amount of funding given for that particular task. He said he does not think a request for a substation is out of line and there is no way to see forward to what exactly the development of the other lot might be. He said he cannot speculate on developer's plans but will always take questions from residents if they wish to contact him.

Commissioner Schell asked if the condition requiring annexation prior to development would need to be addressed with the motion. Ms. Wollmuth said yes, if that is wanted it would need to be added at this time.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district, with the condition that Lot 2, Block 1, Koch Creek Commercial Subdivision be annexed into the City of Bismarck and municipal services in place prior to development, and approval of the final plat, including a waiver to delay the paving of the roadways within the plat until the electrical substation located on Lot 1, Block 1 is completed. Commissioner Selzler seconded the motion and the motion was unanimously approved with Mr. Pearce and Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SOUTHBAY THIRD ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat for Southbay Third Addition First Replat. The proposed plat is three lots on 1.02 acres and is located in southwest Bismarck, west of South Washington Street and south of East Burleigh Avenue southeast of Calypso Drive within Poseidon Loop (being a replat of Lots 1, 2A, 2C, 7 and 8, Block 1, Southbay Third Addition).

Ms. Lee gave an overview of the request, including the following findings:

1. All technical requirements for approval of a minor subdivision final plat have been met.

2. The requirement to provide a stormwater management plan has been waived by the City Engineer.
3. The proposed subdivision is compatible with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Southbay Third Addition First Replat.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to recommend approval of the minor subdivision final plat of Southbay Third Addition First Replat. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat. The proposed plat is six lots on 1.73 acres and is located in north Bismarck, in the southeast quadrant of the intersection of Normandy Street and Calvert Drive (Being a replat of Lot 6, Block 1, Sonnet Heights Subdivision).

Ms. Wollmuth gave an overview of the request, including the following findings:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The stormwater management plan for the subdivision has been approved by the City Engineer.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat of Sonnet Heights Subdivision Sixth Replat.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the minor subdivision final plat of Sonnet Heights Subdivision Sixth Replat. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE LOTS 1-3, BLOCK 1, SONNET HEIGHTS SUBDIVISION

Chairman Yeager called for the public hearing on a zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district on Lots 1-3, Block 1, Sonnet Heights Subdivision. The property is located in north Bismarck, on the south side of 57th Avenue NE approximately a half mile west of US Highway 83.

Mr. Nairn gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision.

Chairman Yeager asked if the access point off of 57th Avenue NE that was granted with the PUD would also be eliminated once the zoning is changed, or if the future developer would still be allowed to use it.

Mr. Nairn said since it was part of the PUD the requirement would be eliminated, and based on the preliminary plans it is not the desire of the developer to have that access to the property off of 57th Avenue NE.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to recommend approval of the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE LOTS 14-19, BLOCK 4, SOUTH MEADOWS ADDITION

Chairman Yeager called for the public hearing on a zoning change from the R5-Residential and R10-Residential zoning districts to the Conditional R10-Residential and RM15-Residential zoning districts on Lots 14-19, Block 4, South Meadows Addition. The property is located in southwest Bismarck, west of South Washington Street and south of West Burleigh Avenue along the south side of Meridian Drive.

Ms. Lee gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the R5 – Residential and R10 – Residential zoning districts to the Conditional R10 – Residential zoning district on Lots 14 and 15, and to the RM15 – Residential zoning district on Lots 16-19, Block 4, South Meadows Addition, with the understanding that the development of the two R10-Residential lots will be limited to two-family dwellings in order to provide an appropriate land use transition between the single-family residential land use to the west and the multi-family residential land use on Lots 16-20.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from the R5 – Residential and R10 – Residential zoning districts to the Conditional R10 – Residential zoning district on Lots 14 and 15, and to the RM15 – Residential zoning district on Lots 16-19, Block 4, South Meadows Addition, with the understanding that the development of the two R10-Residential lots will be limited to two-family dwellings in order to provide an appropriate land use transition between the single-family residential land use to the west and the multi-family residential land use on Lots 16-20. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
PART OF LOT 21, LOUNSBERRY OUTLOTS (SAXVIK ELEMENTARY SCHOOL)**

Chairman Yeager called for the public hearing on a zoning change from the P-Public zoning district to the PUD-Planned Unit Development zoning district on part of Lot 21, Lounsberry Outlots (Saxvik Elementary School). The property is located in central Bismarck, along the east side of North 21st Street between East Rosser Avenue and East Avenue B.

Ms. Lee gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.
7. The proposed planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways.
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated.
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the PUD – Planned Unit Development zoning district for a tract of land in Lounsberry’s Bismarck Outlots occupied by the former Saxvik Elementary School, as outlined in the attached draft PUD ordinance.

Commissioner Atkinson said he was asked if, since the school was zoned P-Public for an educational use, would the change to a PUD affect the distance a sex offender is allowed to live from the building.

Darin Scherr, Bismarck Public Schools, said he can clarify that inquiry to be sure but his understanding is it would remain the same because it is remaining an educational use.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from the P – Public zoning district to the PUD – Planned Unit Development zoning district for a tract of land in Lounsberry’s Bismarck Outlots occupied by the former Saxvik Elementary School, as outlined in the attached draft PUD ordinance. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**CONTINUED PUBLIC HEARING – SPECIAL USE PERMIT (MOTOR VEHICLE PARTS SALVAGE YARD)
LOTS A AND B OF LOT 1 AND PART OF LOT 2, BLOCK 1, MIRIAM INDUSTRIAL PARK 2ND ADDITION**

Chairman Yeager called for the continued public hearing on a special use permit for a motor vehicle parts salvage yard to be located on Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the East 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition. The property is located in east Bismarck on either side of East Divide Avenue: north of East Divide Avenue at the intersection with and west of Channel Drive; south of East Divide Avenue at the intersection with and east of a southerly extension of Channel Drive; and south of East Divide Avenue at the intersection with and west of a southerly extension of Channel Drive.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. If approved as proposed and conditions of approval are met, the proposed special use would comply with all applicable provisions of the zoning ordinance and would be consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would be compatible with adjacent land uses and zoning, provided the required wall or fencing and landscaping is installed adjacent to the public rights-of-way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area, provided the conditions of approval are met.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity, provided the required wall or fencing and landscaping is installed adjacent to the public-rights of way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare, provided the required wall or fencing and landscaping is installed adjacent to the public-rights of way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit, as it would legitimize the existing use of the properties associated with CK Auto, Inc. and would allow the applicant to relocate salvage operations and storage of salvaged vehicles to Lot 2 (1601 Channel Drive). She said this will create the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and resolve existing violations, subject to the following conditions:

1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height.

3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border the public rights-of-way.
4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.
6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.
7. All applicable provisions of the zoning ordinance are met.
8. Development of the properties associated with CK Auto, Inc. must generally comply with the submitted narrative and the approved site plan.

Commissioner Seminary said he has a list of complaints and violations which includes 17 complaints and violations, seven letters from the City and five floodplain/floodway violations which are what concerns him the most. He said Mr. Blaskowski, Building Official and Floodplain Administrator, advised him recently regarding the floodplain and floodway violations that those issues could potentially impact any resident who carries flood insurance for their property in the City with penalties because this property owner is in violation of the National Flood Insurance Program (NFIP) ordinances and state requirements. He then asked why we think now that granting a special use permit will make him come into compliance.

Ms. Wollmuth said it is the hope of staff that approval of a special use permit to include the lot to the south would allow the owner to move the existing salvage operations and encroachments in the right-of-way, drainage ways and floodway to this lot, which would mitigate the existing violations.

Commissioner Seminary asked if staff would be open to the condition of shutting down operation of the business entirely if they continue to be out of compliance. Ms. Wollmuth said staff would be agreeable to that condition if it is included in the motion today.

Chairman Yeager opened the public hearing.

Chris Krein, CK Auto, Inc., said he had permission to fence the area in the floodway and only found out recently that the cars within that fence had to move. He said he asked Jason Tomanek what to do and brought up purchasing the extra lot which seemed to be a good solution for the much needed extra space. He said in a meeting with staff, Mr. Blaskowski advised him on moving items out of the floodway, but he could not do that without being able to expand into the new lot to the south.

Ms. Lee said the special use permit would apply to all parcels associated with CK Auto, Inc. and that over time they have migrated from a vehicle repair operation to an auto parts salvage and it now needs to be clarified which lots will be which uses.

Mr. Krein said they also do not want to lose their junk dealer permit and that this will mainly be automobiles, but they do have other items associated with their operation.

Sara Krein, CK Auto, Inc., said the adjacent lot would only be for storage, not repair operations.

Chairman Yeager asked how so many vehicles came to be placed in the public rights-of-way. Mr. Krein said many of those vehicles have recently been moved and that it is a planned right-of-way but it is a dead end street right now. He said when they first started the business it was only auto repair, not salvage, and went on to show a timeline of pictures dating back to 2002 showing the gradual growth and changes to the properties. He said they came into the need for a junk permit in 2007 and feels it is being portrayed that they do whatever they want with their property. He said in 2013 they moved their fence and moved some sales operations to the south side of the property.

Chairman Yeager asked if a discussion has ever taken place as far as vacating the rights-of-way associated with Channel Drive and Global Drive. Ms. Lee said that has been discussed in the past and the decision was that the continuation of Channel Drive may be needed in the future.

Ms. Krein said their business expanded significantly in 2013-2015 with the influx of people to the City and the need for the services they were offering. She said business is slowing down and she does not foresee that type of activity again in the very near future, but they would like to be prepared in the event business picks up to that volume again.

Mr. Krein asked why the addition of shutting down his business completely being an option is just coming up now. Commissioner Seminary said many letters of corrective action being needed were sent and the most important issue is that South Central Regional Water District (SCRWD) has said the floodway has been compromised which will have an impact throughout the City. He said documentation shows a significant history of violations and in the event the special use permit is granted, the only options are to comply or close.

Mr. Krein said he sought the consultation of an engineer to help with fill dirt in the floodway in order to avoid issues and violations and took action to fix the elevations and place dirt appropriately and he does not recall ever receiving notification from SCRWD that filling in

dirt had caused a violation. He said they did not do anything without permission and have not received any notice on many of the violations being referenced now.

Chairman Yeager said they have a compilation of letters that were sent to the property, including some that were sent certified, dating back to 2000. Mr. Krein said the last letter he recalls receiving was in 2007 and then back in 2003 when they were notified of the issue stemming from the fill dirt in the floodway. He said he feels somebody should have come to him and told him directly and he feels he needs to be given the opportunity to make this right.

Commissioner Atkinson asked if the special use permit is not granted, what their plan is for coming into compliance. Mr. Krein said he would probably have to lose a couple of million dollars in inventory and move items out of the floodway.

Commissioner Schell asked if the conditions listed in the staff report are attainable. Mr. Krein said he feels that they are. He said 2017 is right around the corner though and delaying the permit will make it harder to meet this deadline.

Commissioner Schell asked if the motor vehicles he has on his property located outside of the City would be brought to this property if the special use permit is approved. Mr. Krein said yes, that is part of his plan.

Commissioner Schell asked what a typical size of property is for a vehicle recycling operation such as theirs. Mr. Krein said anywhere from five to fifteen acres depending on the amount of inventory.

Rick Anderson, Dakota Sanitation, said he understands the concerns of not being able to trust the property will come into compliance, but he has known Mr. Krein for several years and said you will not meet a more honest person than him. He said people need to be able to grow their businesses when they have the opportunity to do so and having purchased from CK Auto, Inc. in the past, he has never seen issues with water around in the floodway and around that inventory. He said he would like to see the property cleaned up as much as everybody else and has even offered to help clean it up, but he feels their business expansion is being hindered. He said with operating a garbage business nearby he worries about his own compliance being questioned and wonders if the timeline for CK Auto, Inc. to come into compliance will be reasonable. He said he does not foresee a road connection in the future all the way to Rosser Avenue and would like to see this special use permit be approved so this business can move forward.

Jason Petryszyn, Swenson, Hagen & Co., said he consulted on the plan to separate the operational uses and gain compliance. He said he met with City staff to get an overview of the concerns and produced a site plan for preliminary review pending the decision made today. He said stormwater and paving plans were also provided to be implemented at the cost of the owner and part of the cleanup process is relative to the paving and landscaping plans. He said they did make construction plans and obtained bids for in the event the permit

is approved so number six in the last of conditions of an approval has already been accomplished.

Tim Kellar said this is a business that is trying to make things work and we should be looking more at how to help them correct the problems rather than saying shut them down. He said they should be allowed to prove themselves and they were there before the neighboring residential properties were developed, so shutting them down for any reason is not necessary.

Cammie Schock, 2105 SE 66th Street, asked how a junk yard permit is obtained by a business. Ms. Lee said they are issued by the City Administration Department, similar to the way a business license is issued.

Ms. Schock said only some of the violation letters were sent certified which should maybe become the common practice to ensure that owners are appropriately notified in the future. She said Commissioner Bitner said another issue here is that this is a City of Bismarck, Apple Creek Township and City of Lincoln issue because of the dirt that has been moved at the owners' other location on 66th Street SE and the impression being that it was done intentionally.

Commissioner Bitner said the issue with the dirt at the property on 66th Street SE being moved is that it violates the floodplain ordinance for that particular jurisdiction. Ms. Schock said they consulted many people on how to do that work correctly and the advice they were given is what was followed.

Chairman Yeager said the focus needs to be on the request in front of them right now which is the space occupied in the City, and the Commission needs to be allowed to move forward on that request only.

Ms. Schock said she feels like only one side of the opinions has been allowed to be heard and it is unfortunate that the mentality with this decision is to choose based on personal gain and not for the good of the community as a whole.

Clayton Maier, Dakota Fence, said being a retired police officer, he has seen a variety of complaints where both sides of the story are not known. He said as the General Manager of Dakota Fence he has spent a great deal of time with Mr. and Mrs. Krein and he wants people to understand that if this permit is not granted, their hands will be tied and they will have to leave.

Judy Miller said she is a neighboring resident and does not want to see the business have to close and understands the amount of growth in the community because that is what brought her neighborhood into development. She said the walking path in that location is popular but she would like to see a better plan showing how the vehicles will be moved out of view and away from the path. She said the zoning ordinance specifies a motor vehicle salvage yard must not be unsightly to the view of neighboring residential homes.

Tami Unterseher, 4310 Fernwood Way, said the relevance with this decision is the questioning of Mr. Krein's character and she is bothered by the assumption that their willingness to comply is not there. She said nobody should jump to conclusions about what will or will not be done and many people here today support their business. She said when her husband became paralyzed, CK Auto, Inc. offered to find a modified vehicle and completely donated it to her family. She said the property is appropriately zoned for these uses and the problem is whether or not the Planning Commission should have placed a residential neighborhood and walking path next to an industrial view. She said businesses are being lost regularly so why stand in the way of one that wants to grow and expand.

Chairman Yeager asked what kind of time table has been proposed for the properties to come into compliance. Mr. Krein said by the time they have transitioned their inventory and developed the road, it would be some time in the spring.

Samantha Krein, daughter of Chris and Sara Krein, said her parents have taught her many valuable things and they work hard to run their business so she does not understand how somebody could say the only other option is to shut them down.

Mr. Krein said there is a significant amount of other encroachments into the floodway in the area, including locations used by Bis-Man Transit, so he is feeling singled out but he does agree with the conditions of the special use permit.

Commissioner Atkinson asked if a completion date can be committed to. Mr. Krein said he feels he could have everything done by May 2017.

Ms. Wollmuth said the condition in the staff report of compliance by January 1, 2017 only applies to encroachments in the public rights-of-way, drainage ways and floodway.

Commissioner Waldoch said she is not being biased but there is a history with this property and they are not out to be for or against anybody or give the impression they do not care.

Ms. Krein said she feels there is a misperception of how their business operates because people are not educated on what exactly it is that they do. She said vehicles are often dropped in the street next to their property without them even knowing they are there and they need to expand their customer parking which is included in the preliminary site plan. She said they can then instruct their tow truck drivers on how to better deliver vehicles so their business can operate more smoothly and successfully all around.

Commissioner Seminary asked if this request is approved, will they sit down with City staff and agree to a date of full compliance with the City Code of Ordinances. Mr. Krein said they will definitely do that and with the plan they have in mind they would be set for at least five years. He said they also have a long-term expansion plan.

Commissioner Schell asked if that date is set as January 1st, how that deadline will be met. Mr. Krein said the completion of the road will be what sets them back the most or he would

need permission to use the incomplete street to move inventory across to the other adjacent lot.

Additional comments in opposition to this request are attached as Exhibits C & D.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Seminary said this has never been a personal issue between anybody and it ends here if the permit is approved. He said every flood insurance policy holder in the City could face a penalty if this property continues to be out of compliance and that is concerning to him. He said this Commission is in place to make planning decisions on the best possible use of space.

Commissioner Bitner said he has reviewed all of the information provided and he is concerned with the amount of citizens who opposed this request and if it is going to be about the potential amount of money being lost, then the value of the surrounding homes being impacted needs to be considered as well. He said has never heard any question of the integrity of the owners but he has to side with the concerned citizens on this request.

Commissioner Atkinson asked if the other desired deadlines need to be included in the motion or if the January 1st deadline for items being moved out of the floodway and encroachments is sufficient.

Commissioner Seminary said the January 1st deadline is set but beyond that, the other deadlines will be weather dependent.

MOTION: Commissioner Seminary made a motion to recommend approval of the special use permit as it would legitimize the existing use of the properties associated with CK Auto, Inc. and would allow the applicant to relocate salvage operations and storage of salvaged vehicles to Lot 2 (1601 Channel Drive), which will create the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and resolve existing violations, subject to the following conditions: 1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017; 2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height; 3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border the public rights-of-way; 4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.; 5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage

operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition; 6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.; 7. All applicable provisions of the zoning ordinance are met; and 8. Development of the properties associated with CK Auto, Inc. must generally comply with the submitted narrative and the approved site plan; and with the condition that discussions with City staff shall be scheduled to develop a timeline when all properties associated with CK Auto, Inc. will be in compliance with the City Code of Ordinances. Commissioner Selzler seconded the motion and the motion was approved with Commissioners Atkinson, Schell, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioner Bitner opposed the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 8:12 p.m. to meet again on August 24, 2016.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, July 18, 2016 10:57 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Proposed Plat and Zoning Change - Koch Creek Commercial Subdivision

From: Kathy Wagner [mailto: [REDACTED]]
Sent: Monday, July 18, 2016 7:59 AM
To: Planning - General Mailbox
Subject: Proposed Plat and Zoning Change - Koch Creek Commercial Subdivision

I would like to go on record that I am totally against this proposed zoning change that will have an overwhelming effect on my property. They have been working on this project for 2 weeks now and the zoning has not even been approved??? Is this really how things are done?? I want to know who is going to compensate me for the devaluation of my property as well as the safety and health concerns associated with this "proposed project". Please advise....



Referrals are truly appreciated!!!
Kathy Wagner, Realtor
Century 21 Morrison
201 West Front Ave
Bismarck, ND 58504

[REDACTED]

Hilary Balzum

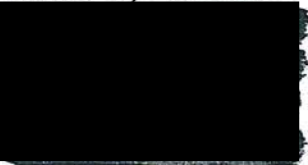
From: Planning - General Mailbox
Sent: Monday, July 18, 2016 10:58 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Koch Creek Commercial

From: Kathy Wagner [\[mailto: \[REDACTED\]\]](#)
Sent: Monday, July 18, 2016 8:01 AM
To: Planning - General Mailbox
Subject: Koch Creek Commercial

Also, I didn't think this property was in the City Limits??? I don't vote in the city, so how does this work?? Shouldn't this be a county issue??



Referrals are truly appreciated!!!
Kathy Wagner, Realtor
Century 21 Morrison
201 West Front Ave
Bismarck, ND 58504



Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, June 27, 2016 8:29 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: CK Auto

From: Keith [\[mailto: \]](#)
Sent: Saturday, June 25, 2016 4:28 PM
To: Planning - General Mailbox
Subject: CK Auto

Hello,

I am writing in regards to the recent application for a special use permit for CK Auto. I would recommend against the granting of this special permit. While the owners should be commended on developing a growing business, they have repeatedly been in violation of city ordinances for a number of years. They continued to purchase and develop land in the area, even though they were already aware of the violations and restrictions on the land. A special use permit should not be granted to bring someone into compliance after flagrant violations. The proper course of action would have been to garner the special permit, then proceed with the development. It would not be a good precedent, to allow business with violations, to then ask for changes to our city policies in order to make them compliant.

With the new reconstruction of Divide Avenue in close proximity to the interstate exchange, this is also a gateway to our city. The conditions of this business do not represent our city in a favorable manner. I would question if the requested permit would be allowed in other areas of Bismarck that are similarly zoned? With the varying elevations in the area, even a 15 foot fence does not properly hide the presence of a junk yard within our city. Other junk yards such as the former location on South 26th Street were successfully re-located to areas outside of city limits. There is also the fact that their property lies along the Hay Creek drainage area. How many fluids have and will be released into this area? There are always residual fluids in vehicles.

It appears there are others that live within the area that are also concerned about the presence of this type of business that continues to expand and degrade the area.

I appreciate the opportunity to voice my concerns and urge careful consideration before granting this request. My recommendation would be to deny the special permit.

Sincerely,

Keith Mantz

Hilary Balzum

From: Jenny Wollmuth
Sent: Thursday, June 30, 2016 2:05 PM
To: Hilary Balzum
Subject: FW: CK Auto

Please make sure this is distributed at the 7.27.16 meeting of the Planning and Zoning Commission.

Thanks,

Jenny Wollmuth, CFM, Planner
Community Development Department
Planning Division
701.355.1840-Department
701.355.1845- Direct
www.bismarcknd.gov

From: Carl Hokenstad
Sent: Thursday, June 30, 2016 2:03 PM
To: Brady Blaskowski; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: CK Auto

Carl Hokenstad, AICP
Director of Community Development
City of Bismarck Community Development Department
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
Office: 701-355-1840
E-mail: chokenstad@bismarcknd.gov
Website: www.bismarcknd.gov

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From: Gloria David
Sent: Thursday, June 30, 2016 1:29 PM
To: Carl Hokenstad
Subject: FW: CK Auto

Hi Carl. I'm forwarding the email below to you as it concerns CK Auto. The sender requests that it be forwarded to the appropriate office.

Thank you Carl.

Gloria David
Public Information Officer
City of Bismarck
221 N 5th St.
PO Box 5503
Bismarck ND 58506-5503

Office: 701-355-1306


Cell: 701-220-2470

Fax: 701-222-6470

Website: www.bismarcknd.gov

Facebook: www.facebook.com/bismarcknd.gov | Twitter: www.twitter.com/BismarckNDGov

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From: Jacob Carlson [<mailto:> 
Sent: Thursday, June 30, 2016 9:48 AM
To: Administration - General Mailbox; Gloria David
Subject: CK Auto

Good morning,

I am an owner of Missouri Valley Veterinary Clinic PC and Missouri Valley Properties LLP. We have a property on Commerce Drive with an associated veterinary clinic. The property owned by CK Auto is in our immediate industrial area. I understand that there are questions regarding past and future permitting of the properties used by CK Auto.

The area has changed for the better in the last few years with the completion of the Divide Avenue project. I do have a few concerns regarding the amount of space occupied by salvaged cars, and the environmental impact of the stockpiled auto's in the flood plain. The presence of heavy metals, differential fluid, engine oil, brake fluid, antifreeze, power steering fluid etc is concerning to me.

The continued expansion of the business outside of the past permitting limits is also concerning to me. The properties to the north of Divide Avenue are full of cars also, but do not interfere with the appearance of the area to the extent the properties to the south of Divide Avenue do.

Please forward to the appropriate office please. I appreciate your attention to this matter.

Jacob Carlson, DVM


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Jacob Carlson, DVM
Missouri Valley Veterinary Clinic PC
Technical Service Director Global Beef LLC

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2016

*****City*****

*****ETA*****

	7/2016		7/2015		7/2016		7/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	8	\$1,577,753.94	25	\$4,573,269.85	3	\$601,556.00	17	\$3,365,176.83
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	\$1,413,411.25	15	\$2,306,225.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	1	\$3,750,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	5	\$0.00	10	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
HOTELS	1	\$2,500.00	0	\$0.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$2,991,830.00	5	\$5,261,249.40	0	\$0.00	1	\$885,800.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	2	\$11,443,587.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$337,679.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	0	\$0.00	0	\$0.00	0	\$0.00	1	\$700,000.00
OTHER NEW	0	\$0.00	12	\$6,000.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	3	\$79,992.25	3	\$34,611.00	2	\$125,046.25	4	\$401,479.65
RESIDENTIAL GARAGES	8	\$62,112.00	15	\$113,952.00	9	\$197,728.00	7	\$214,199.00
DECKS PORCHES & COVERED PATIOS	23	\$64,342.00	25	\$77,295.00	6	\$13,350.00	6	\$22,620.00
SWIMMING POOLS & SPAS	0	\$0.00	1	\$56,000.00	0	\$0.00	0	\$0.00
OTHER	3	\$19,189.00	4	\$50,800.00	1	\$41,000.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	3	\$7,593.00	1	\$2,160.00	2	\$7,920.00	0	\$0.00
BASEMENT FINISH	9	\$55,964.50	14	\$82,479.75	3	\$11,309.75	7	\$39,045.00
COMMERCIAL BUILDINGS	19	\$4,776,079.00	7	\$3,216,325.75	0	\$0.00	2	\$204,000.00
OFFICE BUILDINGS	0	\$0.00	1	\$95,000.00	0	\$0.00	0	\$0.00
PUBLIC BUILDING	0	\$0.00	2	\$52,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00

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	7/2016		7/2015		7/2016		7/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
MISC TEMPORARY STRUCTURES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	0	\$0.00	12	\$77,100.00	0	\$0.00	0	\$0.00
Total	95	\$14,800,766.94	158	\$27,785,733.75	26	\$997,910.00	45	\$5,832,320.48

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	7/2016		7/2015		7/2016		7/2015	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	35	\$0.00	37	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	26	\$0.00	49	\$79,500.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	39	\$0.00	27	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	3	\$0.00	3	\$2,250.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	23	\$16,900.00	34	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	8	\$53,513.00	28	\$131,397.00	4	\$3,464,925.00	3	\$23,400.00
BUILDING MECHANICAL FIREPLACE	14	\$43,000.00	20	\$71,578.00	3	\$8,200.00	2	\$14,817.00
BUILDING MECHANICAL HVAC APPLIANCE	46	\$272,383.00	13	\$56,945.00	7	\$28,775.00	4	\$79,729.00
BUILDING MECHANICAL NEW CONSTRUCTION	70	\$1,470,883.00	43	\$2,372,949.00	7	\$163,090.00	9	\$498,630.00
BUILDING MECHANICAL WATER HEATER	30	\$44,596.29	29	\$35,671.00	2	\$2,115.00	1	\$1,265.00
BUILDING PLUMBING	57	\$904,984.00	39	\$1,550,885.00	6	\$615,568.00	7	\$246,893.00
BUILDING SEPTIC	1	\$0.00	0	\$0.00	4	\$0.00	16	\$0.00
Total	353	\$2,806,259.29	324	\$4,301,175.00	33	\$4,282,673.00	42	\$864,734.00

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	7/2016	7/2015	7/2016	7/2015
Living Units	Units	Units	Units	Units
HOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	48	0	0	0
MANUFACTURED HOMES	5	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	15	0	0
SINGLE FAMILY DETACHED	8	24	3	17
Total	69	39	3	17

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	7/2016		7/2015		7/2016		7/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	120	\$24,701,933.67	145	\$27,517,629.32	19	\$4,928,433.75	44	\$9,461,696.42
ROWHOUSE (2) 1-HR FIRE SEPARATION	101	\$15,124,839.50	37	\$5,615,491.45	0	\$0.00	0	\$0.00
ROWHOUSE	6	\$576,000.00	0	\$0.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	6	\$1,050,342.00	3	\$208,660.50	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	2	\$8,036,000.00	2	\$10,162,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	31	\$0.00	42	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	1	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00
HOTELS	1	\$2,500.00	0	\$0.00	0	\$0.00	0	\$0.00
MOTELS	0	\$0.00	1	\$24,000.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	4	\$110,000.00	16	\$0.00	0	\$0.00	1	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	1	\$99,622.00	2	\$53,513.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	15	\$3,004,830.00	42	\$23,110,545.40	0	\$0.00	4	\$2,595,088.00
HOSPITALS & INSTITUTIONAL	4	\$155,000.00	4	\$12,330,087.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	5	\$3,280,139.00	7	\$12,119,949.00	0	\$0.00	1	\$182,500.00
SCHOOLS & EDUCATIONAL	2	\$3,265,847.00	2	\$4,436,658.00	1	\$18,000,000.00	2	\$906,900.00
RETAIL SALES	5	\$2,488,600.00	3	\$4,880,140.00	0	\$0.00	0	\$0.00
OTHER NEW	1	\$175,000.00	30	\$1,790,395.85	0	\$0.00	0	\$0.00
PUBLIC BUILDINGS	0	\$0.00	1	\$41,664,400.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	19	\$784,993.50	11	\$430,449.76	13	\$425,765.75	11	\$712,516.95
RESIDENTIAL GARAGES	44	\$538,262.02	48	\$383,326.00	48	\$1,012,450.00	38	\$1,087,322.00
DECKS PORCHES & COVERED PATIOS	142	\$497,468.02	109	\$312,237.50	18	\$66,465.00	32	\$93,210.00
SWIMMING POOLS & SPAS	5	\$353,056.70	5	\$235,979.00	3	\$166,618.00	2	\$126,000.00

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	7/2016		7/2015		7/2016		7/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
OTHER	41	\$1,127,083.48	47	\$2,272,535.59	7	\$215,600.00	3	\$125,806.00
HOME OCCUPATION	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	17	\$52,598.00	9	\$18,131.50	6	\$61,200.00	0	\$0.00
BASEMENT FINISH	106	\$526,453.00	98	\$500,093.12	29	\$165,568.85	33	\$179,424.28
COMMERCIAL BUILDINGS	123	\$16,916,616.00	43	\$19,064,733.39	10	\$730,000.00	3	\$391,000.00
OFFICE BUILDINGS	1	\$7,500.00	10	\$1,527,055.00	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	13	\$1,998,188.00	0	\$0.00	3	\$275,000.00
PUBLIC BUILDING	0	\$0.00	4	\$134,000.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	13	\$0.00	14	\$0.00
NURSERY STOCK SALES	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	14	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	61	\$486,310.84	75	\$1,132,459.17	0	\$0.00	1	\$2,400.00
SIGN ALTERATION	11	\$128,349.04	6	\$85,711.00	0	\$0.00	0	\$0.00
Total	901	\$83,616,893.77	834	\$172,257,721.95	167	\$25,772,101.35	192	\$16,138,863.65

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	7/2016		7/2015		7/2016		7/2015	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	427	\$616,651.00	291	\$0.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	215	\$7,000.00	257	\$79,500.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	149	\$35.00	118	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	19	\$0.00	13	\$2,250.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	15	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	16	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	103	\$276,870.00	81	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	20	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	6	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	1	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	79	\$800,475.00	72	\$2,168,133.00	12	\$3,494,433.00	13	\$51,040.00
BUILDING MECHANICAL FIREPLACE	81	\$267,292.00	119	\$491,171.00	15	\$54,700.00	15	\$68,756.00
BUILDING MECHANICAL HVAC APPLIANCE	221	\$1,446,180.20	56	\$234,705.00	22	\$163,321.00	9	\$93,825.00
BUILDING MECHANICAL NEW CONSTRUCTION	322	\$11,748,404.55	297	\$17,267,606.05	44	\$1,369,895.00	51	\$984,230.00
BUILDING MECHANICAL OTHER	2	\$2,453.00	15	\$227,984.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	198	\$285,108.69	140	\$173,588.99	15	\$24,099.00	21	\$27,108.00
BUILDING PLUMBING	341	\$8,519,228.53	303	\$10,897,502.00	38	\$844,426.00	51	\$832,183.00
BUILDING SEPTIC	2	\$0.00	0	\$0.00	18	\$0.00	45	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
Total	2197	\$23,969,697.97	1790	\$31,542,440.04	165	\$5,950,874.00	207	\$2,067,592.00

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	7/2016	7/2015	7/2016	7/2015
Living Units	Units	Units	Units	Units
HOTELS	0	0	0	0
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	78	107	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	6	0	0	0
MANUFACTURED HOMES	29	1	0	0
2-UNIT DUPLEX OR CONDO	12	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	101	36	0	0
SINGLE FAMILY DETACHED	120	144	19	41
Total	346	292	19	41